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Agenda item 144
**Financing of the United Nations Observer Mission in Georgia**

# Annual budget performance report of the United Nations Observer Mission in Georgia for the period from 1 July 1999 to 30 June 2000

## Report of the Secretary-General

*Summary*

The present report contains the financial performance report of the United Nations Observer Mission in Georgia for the period from 1 July 1999 to 30 June 2000. The General Assembly, in its resolution 53/232 of 8 June 1999, appropriated an amount of $31,000,479 gross ($29,505,279 net) for the same period.

Expenditures for the period totalled $25,004,000 gross ($23,729,800 net), resulting in an unencumbered balance of $5,996,479 gross ($5,775,479 net).

The unencumbered balance resulted mainly from military personnel, civilian personnel and operational requirements.

The action to be taken by the General Assembly in connection with the financing of the Mission is set out in paragraph 11 of the present report.

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# I. Introduction

1. The United Nations Observer Mission in Georgia (UNOMIG) was established by the Security Council in its resolution 858 (1993) of 24 August 1993. The Mission's mandate has been extended by subsequent Security Council resolutions, the most recent of which was 1311 (2000) of 28 July 2000, by which the Council extended the mandate for a new period terminating on 31 January 2001.

2. The budget for the maintenance of UNOMIG for the period from 1 July 1999 to 30 June 2000 amounted to $29,156,400 gross ($27,661,200 net) (see A/53/844 and Corr.1-3). It provided for the maintenance of up to 135 military observers, 89 international staff and 139 locally recruited staff. The Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly appropriate $29,156,400 gross ($27,661,200 net) for the period from 1 July 1999 to 30 June 2000 (A/53/895/Add.4, para. 16).

3. The General Assembly, by its resolution 53/232 of 8 June 1999, appropriated an amount of $31,000,479 gross ($29,505,279 net) for the maintenance of UNOMIG for the period from 1 July 1999 to 30 June 2000, inclusive of $1,541,759 for the support account for peacekeeping operations and $302,320 for the United Nations Logistics Base at Brindisi, Italy. This amount has been assessed on Member States.

# II. Implementation of the budget

4. During the reporting period, UNOMIG continued to carry out its mandate without structural or operational change, on the basis of the concept of limited patrolling, which was introduced in February 1998. The security situation for most of the year was generally described as calm but unstable; however, this calm was punctuated by incidences of violence and peaks in tension in April and May 2000.

5. Some of the incidents that directly affected UNOMIG operations and personnel included the blocking of the M-27 road in early July 1999, which hindered the Mission's freedom of movement; an explosion at the fence of the Sukhumi headquarters on 9 July; the throwing of a grenade over the fence of the newly opened Zugdidi office on 27 September; and the kidnapping of seven UNOMIG personnel on 13 October, all of whom were released by 15 October. In addition, two UNOMIG military observers were abducted on 17 January 2000 and held for two hours; several international and local staff and their homes were subjected to armed theft in March and April; two military observers, one interpreter and two non-governmental officers were taken as hostages in the Kodori Valley on 1 June and held for several days; and a UNOMIG patrol vehicle was fired upon in Gali on 15 June.

6. Although the security of both personnel and property had been greatly enhanced with the arrival in the Mission of ballistic-protective vehicles and the full deployment of lightly armed security officers and local watchmen as well as a second helicopter, this insecure environment affected the implementation of the budget in several ways. Security arrangements were kept under constant review and strict measures were put in place, including limitations on the movement of vehicles and personnel during the evening hours, further postponement of the reopening of team bases and the relocation of the majority of UNOMIG assets to Zugdidi instead of to Sukhumi, as was planned originally.

7. Restrictions on movement and the continued closure of the team bases resulted in savings under military observers; premises; petrol, oil and lubricants; and spare parts, repairs and maintenance for vehicles. The savings under premises were further increased by a decision to postpone the separation of the Gali and Zugdidi sector offices for security reasons and by the postponement of plans to establish liaison offices in Istanbul, Turkey, and at the airport in Adler, Russian Federation. Additional savings were generated under infrastructure repairs and air operations. The Engineering Section contributed significantly to ensuring greater mobility for the Mission in its patrol and monitoring activities by improving the condition of vital bridges and roads. A number of repair projects were completed. However, negotiations on other projects are ongoing with the local authorities. Although the deployment of the second helicopter proved invaluable and there was increased reliance on fixed-wing aircraft for the transport of items procured by the Mission, economies were realized under air operations as a result of favourable contractual arrangements and fewer flying hours than anticipated.

8. Other factors also had an impact on the implementation of the budget. There was a vacancy rate of 19 per cent among international staff arising mainly from the delayed appointment of a new Head of Mission/Special Representative of the Secretary-General and the delayed recruitment or temporary non-replacement of several officers in the Office of Political and Civil Affairs and the Office of the Special Representative of the Secretary-General. The resultant savings were partially offset by interim staffing requirements under general temporary assistance to meet immediate operational requirements for security, for servicing and repair of communications and transport equipment in various locations and for additional interpreters to support patrol teams. Additional requirements also arose for medium-sized photocopiers, electrical water and space heaters during the winter, fire safety equipment and increased spare part stocks for ageing equipment.

## III. Financial performance report for the period from 1 July 1999 to 30 June 2000

9. As indicated in table 1, an amount of $31,000,479 gross ($29,505,279 net) was appropriated for the maintenance of UNOMIG for the period from 1 July 1999 to 30 June 2000. The related expenditures amounted to $25,004,000 gross ($23,729,800 net), inclusive of $2,810,000 in unliquidated obligations. The unencumbered balance of $5,996,479 gross ($5,775,479 net) represents, in gross terms, 19 per cent of the amount appropriated.

Table 1
**Apportionment and expenditure**
(Thousands of United States dollars)

| *Category of expenditure* | *Apportionment* | *Expenditure*[a] | *Variance* |
|---|---|---|---|
| Military personnel | 5 220.1 | 3 861.3 | 1 358.8 |
| Civilian personnel | 12 526.3 | 9 760.3 | 2 766.0 |
| Operational requirements | 9 844.2 | 8 233.9 | 1 610.3 |
| Other programmes[b] | 70.6 | 30.2 | 40.4 |
| United Nations Logistics Base at Brindisi | 302.3 | 302.3 | - |
| Support account for peacekeeping operations | 1 541.8 | 1 541.8 | - |
| Staff assessment | 1 495.2 | 1 274.2 | 221.0 |
| **Gross requirements** | **31 000.5** | **25 004.0** | **5 996.5** |
| Income from staff assessment | (1 495.2) | (1 274.2) | (221.0) |
| **Net requirements** | **29 505.3** | **23 729.8** | **5 775.5** |
| Voluntary contributions in kind (budgeted) | - | - | - |
| Voluntary contributions in kind (non-budgeted) | - | - | - |
| **Total resources** | **31 000.5** | **25 004.0** | **5 996.5** |

[a] Includes an amount of $2,810,000 in unliquidated obligations.
[b] Excluding personnel.

10. Information on the deployment of military observers and civilian personnel during the reporting period is provided in table 2 and annex III.

Table 2
**Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 July 1999 to 30 June 2000**

| *Personnel category* | *Authorized strength* | *Actual strength (average)* | *Vacancy rate (percentage)* |
|---|---|---|---|
| Military observers | 135 | 104 | 23 |
| International staff | 89 | 72 | 19 |
| Local staff | 139 | 128 | 8 |

# IV. Action to be taken by the General Assembly at its fifty-fifth session

11. The action to be taken by the General Assembly in connection with the financing of the United Nations Observer Mission in Georgia is a decision on the treatment of the unencumbered balance of $5,996,479 gross ($5,775,479 net) for the period from 1 July 1999 to 30 June 2000.

# Annex I

## Financial performance report for the period from 1 July 1999 to 30 June 2000: summary statement

*(Thousands of United States dollars)*

| *Category of expenditure* | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|
| **I. Military personnel** | | | | |
| 1. Military observers | 4 936.5 | - | 3 578.6 | 1 357.9 |
| 2. Military contingents | 15.7 | - | 14.8 | 0.9 |
| 3. Other requirements pertaining to military personnel | | | | |
| (a) Contingent-owned equipment | 227.9 | - | 227.9 | - |
| (b) Self-sustainment | - | - | - | - |
| (c) Death and disability compensation | 40.0 | - | 40.0 | - |
| **Subtotal, line 3** | **267.9** | **-** | **267.9** | **-** |
| **Total, category I** | **5 220.1** | **-** | **3 861.3** | **1 358.8** |
| **II. Civilian personnel** | | | | |
| 1. Civilian police | - | - | - | - |
| 2. International and local staff | 12 526.3 | - | 9 760.3 | 2 766.0 |
| 3. United Nations Volunteers | - | - | - | - |
| 4. Government-provided personnel | - | - | - | - |
| 5. Civilian electoral observers | - | - | - | - |
| **Total, category II** | **12 526.3** | **-** | **9 760.3** | **2 766.0** |
| **III. Operational requirements** | | | | |
| 1. Premises/accommodation | 1 420.6 | 543.1 | 1 061.3 | 359.3 |
| 2. Infrastructure repairs | 405.3 | 166.8 | 166.8 | 238.5 |
| 3. Transport operations | 2 994.2 | 2 105.3 | 2 817.4 | 176.8 |
| 4. Air operations | 2 990.2 | - | 2 180.6 | 809.6 |
| 5. Naval operations | - | - | - | - |
| 6. Communications | 822.0 | 244.2 | 779.5 | 42.5 |
| 7. Other equipment | 348.8 | 288.9 | 429.2 | ( 80.4) |
| 8. Supplies and services | 533.5 | - | 517.7 | 15.8 |
| 9. Air and surface freight | | | | |
| (a) Transport of contingent-owned equipment | - | - | - | - |
| (b) Commercial freight and cartage | 329.6 | - | 281.4 | 48.2 |
| **Total, category III** | **9 844.2** | **3 348.3** | **8 233.9** | **1 610.3** |

| *Category of expenditure* | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|
| **IV. Other programmes** | | | | |
| 1. Election-related supplies and services | - | - | - | - |
| 2. Public information programmes | 38.6 | - | 0.7 | 37.9 |
| 3. Training programmes | 32.0 | - | 29.5 | 2.5 |
| 4. Mine-clearing programmes | - | - | - | - |
| 5. Assistance for disarmament and demobilization | - | - | - | - |
| **Total, category IV** | **70.6** | - | **30.2** | **40.4** |
| **V. United Nations Logistics Base at Brindisi** | **302.3** | - | **302.3** | - |
| **VI. Support account for peacekeeping operations** | **1 541.8** | - | **1 541.8** | - |
| **VII. Staff assessment** | **1 495.2** | - | **1 274.2** | **221.0** |
| Gross requirements, categories I-VII | 31 000.5 | 3 348.3 | 25 004.0 | 5 996.5 |
| **VIII. Income from staff assessment** | **(1 495.2)** | - | **(1 274.2)** | **( 221.0)** |
| Net requirements, categories I-VIII | 29 505.3 | 3 348.3 | 23 729.8 | 5 775.5 |
| **IX. Voluntary contributions in kind (budgeted)** | - | - | - | - |
| **X. Voluntary contributions in kind (non-budgeted)** | - | - | - | - |
| **Total** | **31 000.5** | **3 348.3** | **25 004.0** | **5 996.5** |

[a] Based on the appropriation provided by the.General Assembly in its resolution 53/232.

# Annex II

## Supplementary information on significant variances

### Military personnel

*Apportionment: $5,220,100; expenditure: $3,861,300; variance: $1,358,800*

1. The unutilized balance of $1,358,800 under this heading was attributable mainly to lower requirements for military observers.

#### Military observers

*Apportionment: $4,936,500; expenditure: $3,578,600; variance: $1,357,900*

2. The unutilized balance under this heading resulted primarily from the fact that provision had been made for the full complement of 135 military observers, and an improvement in the security situation had been envisioned that would have allowed the reopening of the team bases. This did not occur, however, and since helicopter services and the ballistic-protective vehicles were available for patrol purposes, the deployment of observers was maintained below the authorized strength of 135, resulting in lower actual costs. The average monthly strength of the observers deployed was 104.

### Civilian personnel

*Apportionment: $12,526,300; expenditure: $9,760,300; variance: $2,766,000*

3. The unutilized balance under this heading accrued primarily from an average monthly vacancy rate of 19 per cent among the international staff. This resulted from the delayed appointment of a replacement for the Special Representative of the Secretary-General and the delayed recruitment or temporary non-replacement of several officers in the Office of Political and Civil Affairs and the Office of the Special Representative of the Secretary-General. The unutilized balance for international staff costs was offset by requirements for general temporary assistance and travel.

4. General temporary assistance was utilized in the Security, Communications, and Transport Sections as well as in the Office of the Chief Military Observer. It was decided that local security personnel should be recruited under special service agreements for a probationary period in order for them to undergo training and to allow sufficient time for background checks and performance monitoring. Thirteen personnel were recruited for the servicing of communications and transport equipment that arrived at the Mission as a result of purchases in respect of security measures. An additional six interpreters were also recruited to support an increase in liaison patrols from 20 to 36 during the year. Higher actual costs for travel were related to the number of trips taken between the several locations that constitute the area of operations for the servicing and maintenance of various types of equipment.

## Operational requirements

*Apportionment: $9,844,200; expenditure: $8,233,900; variance: $1,610,300*

5. The unutilized balance under this heading was due primarily to lower requirements, totalling $1,690,700, for premises ($359,300), infrastructure repairs ($238,500), transport operations ($176,800), air operations ($809,600), communications ($42,500), supplies and services ($15,800) and freight ($48,200), offset by additional requirements for other equipment ($80,400).

### Premises/accommodation

*Apportionment: $1,420,600; expenditure: $1,061,300; variance: $359,300*

6. A number of factors contributed to an unutilized balance under this heading. Initial plans to reopen team bases and to separate the Gali and Zugdidi sector offices from their present shared space did not materialize owing to the deteriorating security situation. In addition, liaison offices were not established in Istanbul, Turkey, and Adler, Russian Federation, as envisioned. Requirements for alteration and renovation of premises as well as the related costs for maintenance supplies and services were lower than expected as difficult local conditions hampered the completion of projects. A mild winter and the availability of a stable city power supply resulted in savings under utilities for generator fuel.

### Infrastructure repairs

*Apportionment: $405,300; expenditure: $166,800; variance: $238,500*

7. The unutilized balance under this heading was somewhat due to the security situation but also to the fact that projects can be performed only with the full cooperation and support of local authorities. Negotiations with those entities take a lot of time and, as a consequence, it is not always possible to complete projects within the fiscal year.

### Transport operations

*Apportionment: $2,994,200; expenditure: $2,817,400; variance: $176,800*

8. The unutilized balance under this heading was due mainly to lower actual requirements for repairs and for petrol oil and lubricants resulting from restrictions on the movement of vehicles. This balance was used to offset increased requirements resulting from the change to more advantageous specifications of ballistic-protective vehicles at higher unit costs and the higher cost of workshop equipment. To accommodate this change, 44 vehicles were purchased instead of 53 as budgeted.

### Air operations

*Apportionment: $2,990,200; expenditure: $2,180,600; variance: $809,600*

9. The unutilized balance under this heading was due to more favourable contractual arrangements than anticipated for both helicopters and fixed-wing

aircraft, fewer flying hours, fewer flights involving overnight stays and the fact that no flights were made outside the area of responsibility.

**Other equipment**

*Apportionment: $348,800; expenditure: $429,200; variance: ($80,400)*

10. The additional requirements under this heading were primarily for seven medium-sized photocopiers under office equipment, miscellaneous equipment for fire safety and building maintenance, and spare parts, repairs and maintenance to increase stocks for photocopiers and ageing generators. Those requirements were offset by an unutilized balance under data-processing equipment resulting from lower per unit costs for desktop computers and the non-procurement of network upgrades.

**Air and surface freight**

*Apportionment: $329,600; expenditure: $281,400; variance: $48,200*

11. The unutilized balance was due to the fact that fewer consignments than usual were received from other missions.

## Other programmes

*Apportionment: $70,600; expenditure: $30,200; variance: $40,400*

12. The unutilized balance under this heading related to public information and training programmes.

**Public information programmes**

*Apportionment: $38,600; expenditure: $700; variance: $37,900*

13. The unutilized balance under this heading was due to the absence from the mission of a public information officer.

## Staff assessment

*Apportionment: $1,495,200; expenditure: $1,274,200; variance: $221,000*

14. The unutilized resources under this heading were the result of vacancies among the international staff.

## Income from staff assessment

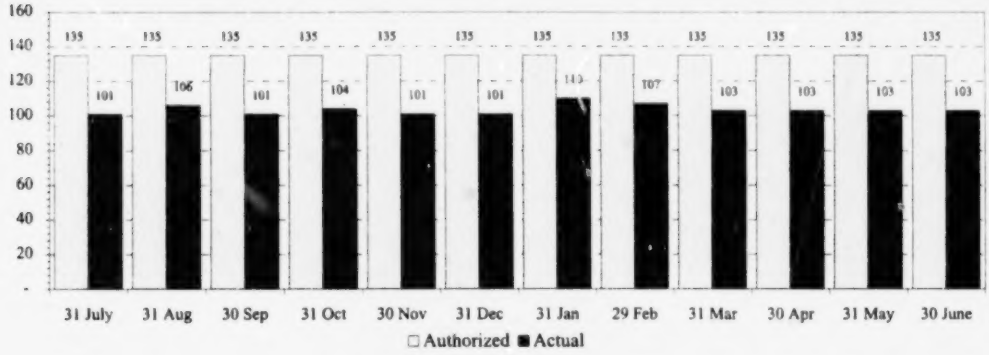
*Apportionment: ($1,495,200); expenditure: ($1,274,200); variance: ($221,000)*

15. This amount is derived from staff assessment.

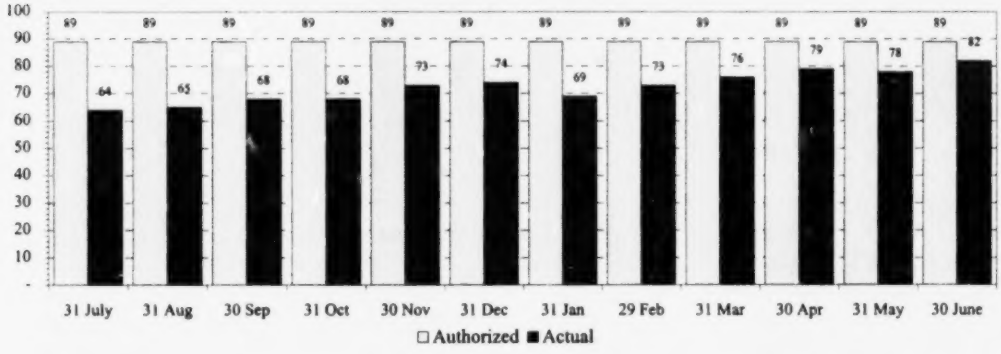
## Annex III

### Planned and actual deployment of civilian and military personnel for the period from 1 July 1999 to 30 June 2000

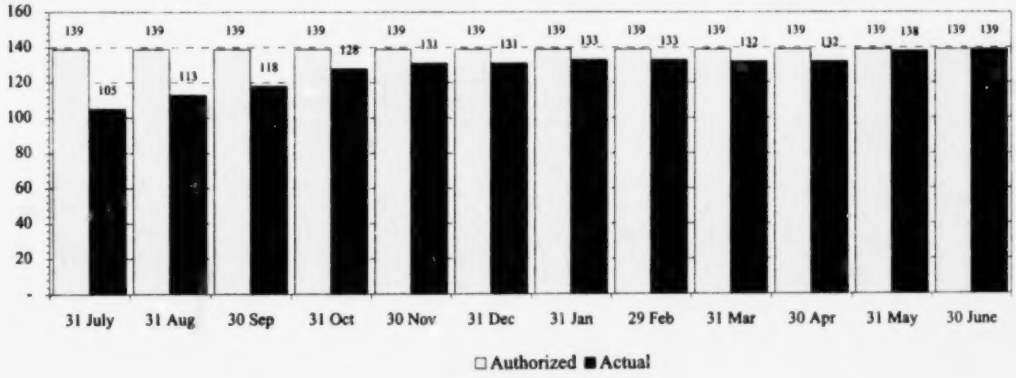
#### 1. Military observers




#### 2. International staff

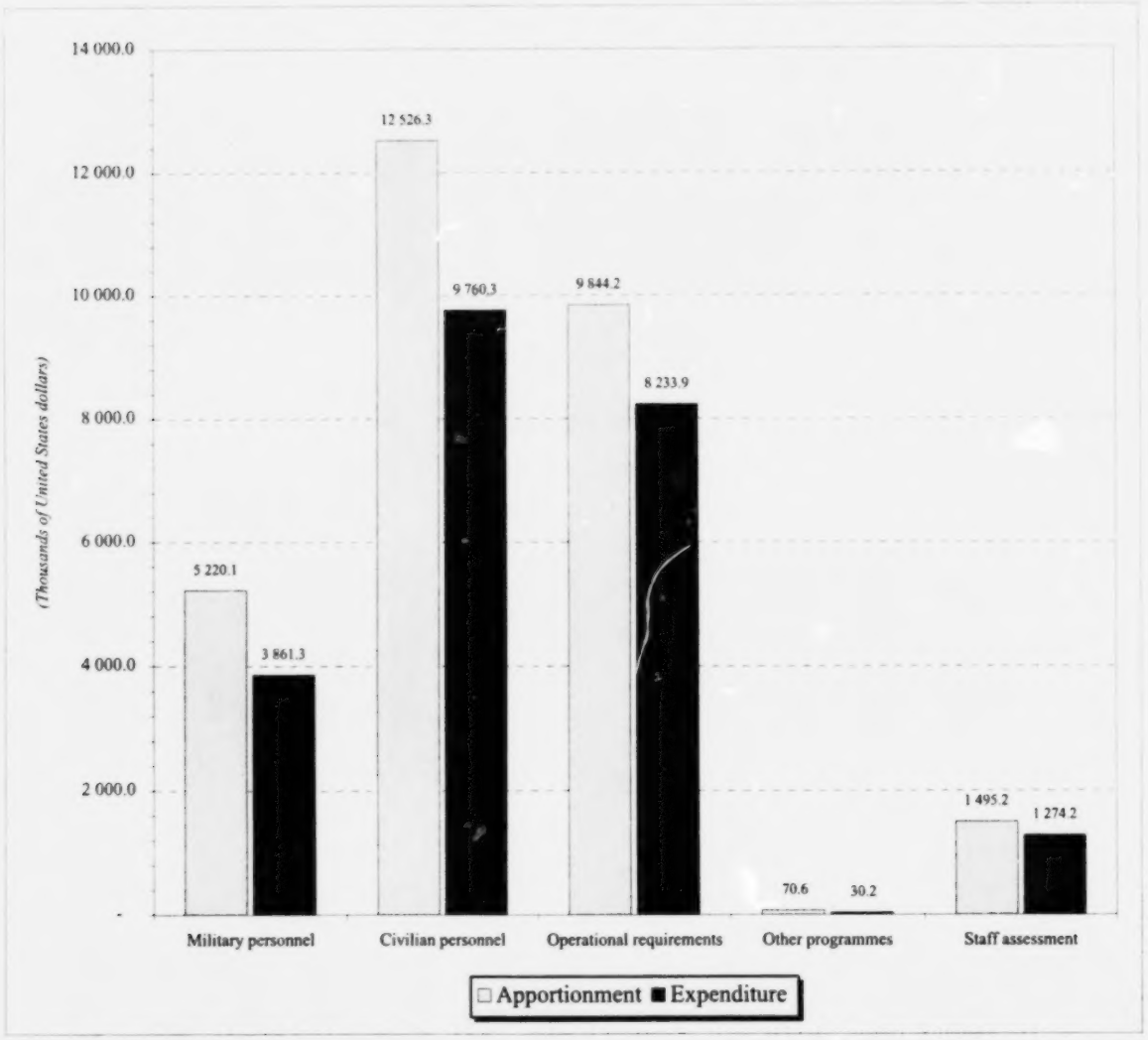



#### 3. Local staff



## Annex IV

### Apportionment and expenditure for the period from 1 July 1999 to 30 June 2000



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**Fifty-fifth session**
Agenda item 148
**Financing of the United Nations Mission in Bosnia and Herzegovina**

# Financing of the United Nations Mission in Bosnia and Herzegovina

## Report of the Secretary-General

*Summary*

The present report contains the financial performance report of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) for the period from 1 July 1999 to 30 June 2000. The General Assembly, by its resolution 53/233 of 8 June 1999 appropriated an amount of $178,204,381 gross ($168,191,981 net) for the maintenance of UNMIBH for the same period.

Expenditures for the period totalled $152,214,000 gross ($143,365,900 net), resulting in an unencumbered balance of $25,990,381 gross ($24,826,081 net).

The unencumbered balance resulted mainly from civilian personnel costs.

The action to be taken by the General Assembly in connection with the financing of the Mission is a decision on the treatment of the unencumbered balance of $25,990,381 gross ($24,826,081 net) for the period from 1 July 1999 to 30 June 2000.

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# I. Introduction

1. By its resolution 1035 (1995) of 21 December 1995, the Security Council established a United Nations civilian police force to be known as the International Police Task Force (IPTF), entrusted with the responsibilities set out in annex 11 to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively called the "Peace Agreement") (A/50/790-S/1995/1999), and a United Nations civilian office with the responsibilities set out in the report of the Secretary-General of 13 December 1995 (S/1995/1031). That operation is referred to as the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

2. The deployment of United Nations military observers to monitor the demilitarization of the Prevlaka peninsula was authorized by the Security Council in its resolution 779 (1992) of 6 October 1992. Although the United Nations Mission of Observers in Prevlaka (UNMOP) is an independent mission, for administrative and budgetary purposes it is treated as part of UNMIBH.

3. The budget for the maintenance of UNMIBH for the period from 1 July 1999 to 30 June 2000 was set out in the report of the Secretary-General of 19 January 1999 (A/53/800) and amounted to $168,234,000 gross ($158,196,000 net). It provided for the maintenance of up to 28 military observers, 5 military liaison officers, 2,057 civilian police, 414 international staff and 1,437 locally recruited staff and 8 national officers. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 37 of its report of 1 April 1999 (A/53/895/Add.6), recommended that the requirements for the period from 1 July 1999 to 30 June 2000 should not exceed $167.6 million gross. The Committee also recommended that the question of a post (D-1) for the head of the liaison office at Zagreb be considered after the results of a review of the need to have both liaison and administrative offices and both in separate locations in Zagreb were reported by the Secretary-General.

4. The General Assembly, by its resolution 53/233 of 8 June 1999, appropriated an amount of $178,204,381 gross ($168,191,981 net) for the maintenance of UNMIBH for the period from 1 July 1999 to 30 June 2000, inclusive of $8,865,888 for the support account for peacekeeping operations and $1,738,493 for the United Nations Logistics Base at Brindisi, Italy.

# II. Implementation of the budget

5. Information on the activities of UNMIBH and the situation on the ground during the period under review are contained in the reports of the Secretary-General to the Security Council dated 17 September 1999 (S/1999/989), 17 December 1999 (S/1999/1260), 15 March 2000 (S/2000/215) and 2 June 2000 (S/2000/529).

6. Information on the situation in the area of responsibility of UNMOP during the period under review is contained in the reports of the Secretary-General to the Security Council dated 12 October 1999 (S/1999/1051), 31 December 1999 (S/1999/1302), 11 April 2000 (S/2000/305) and 3 July 2000 (S/2000/647).

7. The higher than normal unencumbered balance of some $26 million for the period, the bulk of which is under the heading for civilian personnel, was largely due to two factors. First, owing to the need to divert staff to manage the immediate functional requirements of new missions in Kosovo and East Timor, the actual strength of the Task Force was below its authorized strength resulting in an average vacancy rate of 17 per cent (compared to the 5 per cent budgeted). Subsequently, the continued transfer of civilian police officers from UNMIBH to the United Nations Interim Administration Mission in Kosovo (UNMIK), without replacement, further contributed to civilian police vacancies during the reporting period. Delays in the recruitment of qualified staff resulted in an average vacancy rate of 16 per cent (compared to 15 per cent budgeted) for international staff, 31 per cent for national officers and 8 per cent for local staff (against the budgeted rate of 5 per cent).

8. Secondly, implementation of the UNMIBH budget was also affected by the lower mission subsistence allowance rate applicable in the mission area after 30 days ($75 as opposed to the budgeted amount of $90) effective May 1999. The difference attributable solely to the change in rate amounted to approximately $12 million, almost half of the total unencumbered balance. Savings were also recorded under local salaries since the average salary was equivalent to level three of the salary scale whereas the

budget was based on level four. Appropriate reductions were made in the context of the budget for the current period (1 July 2000 to 30 June 2001).

9. These underexpenditures were partially offset by requirements for the renovation of the Ndezarici dormitory, additional requirements for miscellaneous services attributable to legal services costs, higher costs of local security officers employed on special service agreements and an increase in medical treatment and service costs charged by the multinational Stabilization Force (SFOR). Additional resources were also required for the significant increase under public information programmes in respect of public affairs activities and for training programmes.

10. During the reporting period, UNMIBH concluded negotiations with the University of Sarajevo to make a war-damaged dormitory available to the Mission on a rent-free basis for a period of eight years or until the United Nations presence in Bosnia and Herzegovina will cease to exist, whichever is earlier. The facility is sufficient in size to permit UNMIBH to consolidate all its headquarters operations under one roof. UNMIBH headquarters were previously scattered among five locations in Sarajevo, which were rented by the Mission. Under the terms of the memorandum of understanding, UNMIBH was responsible for the cost of renovations, which were completed in June 2000.

## III. Financial performance report for the period from 1 July 1999 to 30 June 2000

11. As indicated in table 1 below, from the appropriation of $178,204,381 gross ($168,191,981 net) for the period from 1 July 1999 to 30 June 2000, expenditures amounted to $152,214,000 gross ($143,365,900 net), inclusive of $9,161,400 in unliquidated obligations. The resulting unspent balance of $25,990,381 gross ($24,826,081 net) represents in gross terms some 15 per cent of the amount appropriated. Annex I to the present report contains the financial performance information for the reporting period by budget line item. Supplementary information on significant variances is presented in annex II. Annex IV contains a chart showing apportionment and expenditure by main budget groups.

12. Information on the deployment of military and civilian personnel during the reporting period is given in table 2 below and in annex III to the present report.

## IV. Action to be taken by the General Assembly at its fifty-fifth session

13. **The action to be taken by the General Assembly in connection with the financing of UNMIBH, including UNMOP, is to decide on the treatment of the unencumbered balance of $25,990,381 gross ($24,826,081 net) for the period from 1 July 1999 to 30 June 2000.**

Table 1
**Apportionment and expenditure**
(Thousands of United States dollars)

| *Category of expenditure* | *Apportionment* | *Expenditure*[a] | *Variance* |
|---|---|---|---|
| Military personnel | 1 224.0 | 914.5 | 309.5 |
| Civilian personnel | 130 799.0 | 103 424.8 | 27 374.2 |
| Operational requirements | 25 335.6 | 28 073.9 | (2 738.3) |
| Other programmes[b] | 229.0 | 348.3 | (119.3) |
| United Nations Logistics Base at Brindisi | 1 738.5 | 1 738.5 | - |
| Support account for peacekeeping operations | 8 865.9 | 8 865.9 | - |
| Staff assessment | 10 012.4 | 8 848.1 | 1 164.3 |
| **Gross requirements** | **178 204.4** | **152 214.0** | **25 990.4** |
| Income from staff assessment | (10 012.4) | (8 848.1) | (1 164.3) |
| **Net requirements** | **168 192.0** | **143 365.9** | **24 826.1** |
| Voluntary contributions in kind (budgeted) | - | - | - |
| Voluntary contributions in kind (non-budgeted) | - | - | - |
| **Total resources** | **178 204.4** | **152 214.0** | **25 990.4** |

[a] Includes an amount of $9,161,400 in unliquidated obligations.
[b] Excludes personnel.

Table 2
**Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 July 1999 to 30 June 2000**

| *Personnel category* | *Authorized strength* | *Actual strength (average)* | *Vacancy rate (percentage)* |
|---|---|---|---|
| Military observers | 33 | 30 | 8 |
| Military contingents | - | - | - |
| Civilian police | 2 057 | 1 709 | 17 |
| International staff | 413 | 348 | 16 |
| National officers | 8 | 6 | 31 |
| Local staff | 1 437 | 1 324 | 8 |
| United Nations Volunteers | - | - | - |

# Annex I

## Financial performance report for the period from 1 July 1999 to 30 June 2000: summary statement

*(Thousands of United States dollars)*

| *Category of expenditure* | | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|---|
| **I.** | **Military personnel** | | | | |
| 1. | Military observers | 1 224.0 | - | 914.5 | 309.5 |
| 2. | Military contingents | - | - | - | - |
| 3. | Other requirements pertaining to military personnel | | | | |
| | (a) Contingent-owned equipment | - | - | - | - |
| | (b) Self-sustainment | - | - | - | - |
| | (c) Death and disability compensat | - | - | - | - |
| | **Subtotal, line 3** | - | - | - | - |
| | **Total, category I** | **1 224.0** | **-** | **914.5** | **309.5** |
| **II.** | **Civilian personnel** | | | | |
| 1. | Civilian police | 71 953.3 | - | 51 259.0 | 20 694.3 |
| 2. | International and local staff | 58 845.7 | - | 52 165.8 | 6 679.9 |
| 3. | United Nations Volunteers | - | - | - | - |
| 4. | Government-provided personnel | - | - | - | - |
| 5. | Civilian electoral observers | - | - | - | - |
| | **Total, category II** | **130 799.0** | **-** | **103 424.8** | **27 374.2** |
| **III.** | **Operational requirements** | | | | |
| 1. | Premises/accommodations | 4 054.8 | 3 865.3 | 7 046.1 | (2 991.3) |
| 2. | Infrastructure repairs | 98.0 | - | 43.7 | 54.3 |
| 3. | Transport operations | 7 739.5 | 4 959.3 | 7 918.9 | ( 179.4) |
| 4. | Air operations | 1 507.1 | - | 1 453.0 | 54.1 |
| 5. | Naval operations | - | - | - | - |
| 6. | Communications | 5 088.9 | 1 923.4 | 4 621.4 | 467.5 |
| 7. | Other equipment | 3 624.4 | 2 336.3 | 2 656.3 | 968.1 |
| 8. | Supplies and services | 3 072.9 | - | 4 262.4 | (1 189.5) |
| 9. | Air and surface freight | | | | |
| | (a) Transport of contingent-owned | - | - | - | - |
| | (b) Commercial freight and cartag | 150.0 | - | 72.1 | 77.9 |
| | **Subtotal, line 9** | 150.0 | - | 72.1 | 77.9 |
| | **Total, category III** | **25 335.6** | **13 084.3** | **28 073.9** | **(2 738.3)** |

| *Category of expenditure* | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|
| **IV. Other programmes** | | | | |
| 1. Election-related supplies and service | - | - | - | - |
| 2. Public information programmes | 99.5 | 35.9 | 154.7 | ( 55.2) |
| 3. Training programmes | 129.5 | - | 193.6 | ( 64.1) |
| 4. Mine-clearing programmes | - | - | - | - |
| 5. Assistance for disarmament and de | - | - | - | - |
| **Total, category IV** | **229.0** | **35.9** | **348.3** | **( 119.3)** |
| **V. United Nations Logistics Base at Brind** | **1 738.5** | **-** | **1 738.5** | **-** |
| **VI. Support account for peacekeeping ope** | **8 865.9** | **-** | **8 865.9** | **-** |
| **VII. Staff assessment** | **10 012.4** | **-** | **8 848.1** | **1 164.3** |
| Gross requirements, categories I-VII | 178 204.4 | 13 120.2 | 152 214.0 | 25 990.4 |
| **VIII. Income from staff assessment** | **(10 012.4)** | **-** | **(8 848.1)** | **(1 164.3)** |
| Net requirements, categories I-VIII | 168 192.0 | 13 120.2 | 143 365.9 | 24 826.1 |
| **IX. Voluntary contributions in kind (budg** | **-** | **-** | **-** | **-** |
| **X. Voluntary contributions in kind (non-** | **-** | **-** | **-** | **-** |
| **Total** | **178 204.4** | **13 120.2** | **152 214.0** | **25 990.4** |

[a] Based on appropriation provided by General Assembly resolution 53/233.

# Annex II

## Supplementary information on significant variances

### Military personnel

*Apportionment: $1,224,000; Expenditure: $914,500; Variance: $309,500*

1. The unutilized balance of $309,500 under this heading was attributable to the decrease in the mission subsistence allowance rate from $90 to $75 per day, effective May 1999. Additionally, the average repatriation cost of $1,406 was lower than the budgeted cost of $1,700 and an average vacancy rate of 8 per cent was recorded during the reporting period. (The budget did not take into account any vacancy factor.)

### Civilian personnel

*Apportionment: $130,799,000; Expenditure: $103,424,800; Variance: $27,374,200*

2. The unutilized balance of $27,374,200 under this heading resulted from reduced requirements for civilian police ($20,694,300) and international and local staff ($6,679,900).

#### Civilian police

*Apportionment: $71,953,300; Expenditure: $51,259,000; Variance: $20,694,300*

3. The unspent balance of $20,694,300 under civilian police resulted primarily from the lower mission subsistence allowance applicable in the mission referred to in paragraph one above. Moreover, with priority accorded to recruitment of civilian police officers to new missions, the average vacancy rate for civilian police in UNMIBH was 17 per cent as compared with the rate of 5 per cent applied in the cost estimates. The high vacancy rate also resulted in fewer rotations than budgeted. The average rotation cost of $1,237 per trip was also lower then the amount of $1,700 used in the cost estimates.

#### International and local staff

*Apportionment: $58,845,700; Expenditure: $52,165,800; Variance: $6,679,900*

4. The unspent balance of $6,679,900 under international and local staff costs resulted primarily from the decrease in mission subsistence allowance and from higher average vacancy rates than budgeted. The actual average vacancy rate for international staff during the period was 16 per cent, as compared with the rate of 15 per cent applied in the budget. This was attributable to the significant deployment of UNMIBH staff (without replacement) to newly established peacekeeping operations such as the United Nations Interim Administration Mission in Kosovo (UNMIK), the United Nations Mission in East Timor (UNAMET), the United Nations Mission in Sierra Leone (UNAMSIL), and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Moreover, whilst provision was made for eight new national officer posts, delays in the recruitment of qualified staff resulted in an average vacancy rate of 31 per cent. Savings were also recorded under

local staff salaries since the average monthly salary was equivalent to that of level three of the local salary scale rather than the level four salary scale used in the budget. Appropriate adjustments and reductions have since been applied to the UNMIBH budget effective 1 July 2000.

5. The unspent balance referred to in the above paragraph was partially offset by increased requirements for travel: between the Mission and Headquarters; to conferences and official meetings; of senior staff to meet with government and civil leaders within the former Yugoslavia; of local staff within the Mission area; of administrative/technical staff in support of the United Nations Liaison Office in Belgrade; and in connection with the transport of equipment to and from the United Nations Logistics Base in Brindisi, Italy.

## Operational requirements

*Apportionment: $25,335,600; Expenditure: $28,073,900; Variance: ($2,738,300)*

6. Additional requirements of $2,738,300 were the result of increased requirements totalling $4,360,200 for premises/accommodations ($2,991,300), transport operations ($179,400) and supplies and services ($1,189,500). This amount was partially offset by reduced requirements amounting to $1,621,900 for infrastructure repairs ($54,300), air operations ($54,100), communications ($467,500), other equipment ($968,100) and air and surface freight ($77,900).

### Premises/accommodation

*Apportionment: $4,054,800; Expenditure: $7,046,100; Variance: ($2,991,300)*

7. Additional resource requirements of $2,991,300 arose due to the need to renovate the Ndezarici dormitory at the University of Sarajevo, which now houses UNMIBH headquarters, known as the "United Nations House". While no provision was made for this capital expenditure in the budget for 1999-2000, it was possible to identify savings within the overall amount appropriated as well as to forego some planned projects and purchases. The facility now accommodates all UNMIBH headquarters staff, including the International Police Task Force headquarters and a number of agencies.

### Infrastructure repairs

*Apportionment: $98,000; Expenditure: $43,700; Variance: $54,300*

8. The savings of $54,300 were due primarily to priority given to the Ndezarici dormitory/United Nations House project and consequential non-implementation of lower priority projects.

### Transport operations

*Apportionment: $7,739,500; Expenditure: $7,918,900; Variance: ($179,400)*

9. Additional requirements of $179,400 were attributable to increased expenditures for vehicles, which were partially offset by lower operating costs. Expenditures included the earlier than anticipated need to replace three armoured 4x4 vehicles (amounting to $271,300) as the current establishment had reached the

end of its useful life. These vehicles were assigned to the Special Representative of the Secretary-General for his security detail. Increased expenditure was also attributed to the purchase of 4x4 general purpose vehicles budgeted at $12,000 per unit, but purchased at $15,245, and the procurement of light buses which exceeded the budgeted unit cost by $1,150 per vehicle.

**Air operations**

*Apportionment: $1,507,100; Expenditure: $1,453,000; Variance: $54,100*

10. Unutilized resources under this heading were primarily attributable to reduced requirements for landing fees and ground handling. UNMIBH remained exempt from landing/ground charges since Sarajevo airport remains under the control of the multinational Stabilization Force (SFOR). Furthermore, the cost sharing arrangements between UNMIBH and UNMIK on joint aircraft operations/usage resulted in lower average monthly flight hours that were attributable to UNMIBH.

11. Savings that arose as a result of the delayed deployment of the helicopter, which only arrived in the mission at the end of January 2000, were offset by additional requirements for hire charges for the Bell 212 helicopter chartered from 17 January to 30 June 2000. The cost estimates were prepared on the basis of renting an AB-205 aircraft (at $1,600 per hour) as opposed to the contractual rate of $2,600 per hour for the Bell 212 helicopter.

**Communications**

*Apportionment: $5,088,900; Expenditure: $4,621,400; Variance: $467,500*

12. An unutilized balance of $467,500 under communications is primarily attributable to the redeployment of resources provided for spare parts and supplies to help finance the United Nations House project, and the upgrading of workshop and test equipment, which reduced the need to purchase new equipment.

**Other equipment**

*Apportionment: $3,624,400; Expenditure: $2,656,300; Variance: $968,100*

13. The unspent balance of $968,100 resulted primarily from the reduction in office and data-processing equipment requirements due to the consolidation of the United Nations House office project.

14. The unspent balance for the items referred to above was partially offset by additional requirements for replacement office furniture as existing furniture was ex-mission stock that had reached the end of its useful life cycle.

**Supplies and services**

*Apportionment: $3,072,900; Expenditure: $4,262,400; Variance: ($1,189,500)*

15. Additional requirements under this heading were the net result of increased requirements totalling $1,325,500 for miscellaneous services, partially offset by an unutilized balance of $136,000 under miscellaneous supplies. Additional requirements under miscellaneous services were largely attributable to losses on exchange, related to the purchase of vehicles and investigation and legal service

costs in connection with the recovery of assets from the travel fraud case in UNMIBH. Information on the travel fraud case in UNMIBH is contained in the report of the Secretary-General on the activities of the Office of Internal Oversight Services of 20 December 1999 (A/54/683). Additional requirements also resulted from higher average costs of local security officers on special service agreements who were paid at a rate equivalent to level 2 of the local salary scale. Requirements had been estimated at a cost equivalent to level 1. Additional requirements were further incurred for legal services rendered in connection with the helicopter accident of 17 September 1997. Finally, commencing in early 1999, SFOR has been charging UNMIBH for routine medical services, which had previously been provided on a gratis basis, resulting in additional requirements of $38,200 under medical treatment and services. The Advisory Committee stated in paragraph 36 of its report (A/53/895/Add.6 of 1 April 1999), that it had been informed that SFOR had recently indicated that UNMIBH would be requested to make reimbursement for these services. The Committee further stated that any additional requirements resulting from the change in arrangements would be reflected in the performance reports for the periods ending 30 June 1999 and 30 June 2000. Provisions under this category had been based on arrangements with SFOR that were in place at the time of the budget preparation.

**Air and surface freight**

*Apportionment: $150,000; Expenditure: $72,100; Variance: $77,900*

16. The unutilized balance of $77,900 resulted primarily from expenditures being limited to the cost of custom clearance charges only.

## Other programmes

*Apportionment: $229,000; Expenditure: $348,300; Variance: ($119,300)*

17. The additional expenditure of $119,300 was the net result of additional requirements in the amount of $55,200 for public information programmes and $64,100 for training programmes.

**Public information programmes**

*Apportionment: $99,500; Expenditure: $154,700; Variance: ($55,200)*

18. Additional requirements under this heading were due to the purchase of essential audio-visual equipment for the newly established television unit, as well as the significant increase in public affairs activities. This was based on the decision taken by senior management to introduce television capability into the Mission to increase public awareness on the Mission's mandate and activities, reduce costs and increase effectiveness through the management of television production on a limited scale. The public affairs activities included the production and broadcast of an informative documentary on the State Border Service, discussions on issues of specific concern on the population and advertisements promoting the application process to the police academies and traffic safety campaigns.

**Training programmes**

*Apportionment: $129,500; Expenditure: $193,600; Variance: ($64,100)*

19. Additional requirements under this heading resulted primarily from higher priority placed on training resources within the Mission. This involved training of local border police in Austria, communications training, training in electronic data-processing, transport training, air safety training, miscellaneous training and the training of International Police Task Force selection teams.

## Staff assessment

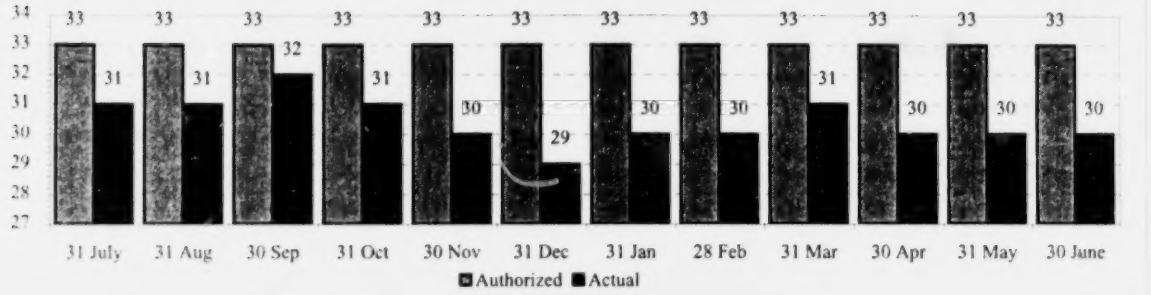
*Apportionment: $10,012,400; Expenditure: $8,848,100; Variance: $1,164,300*

20. Unspent resources amounting to $1,164,300 were primarily due to the higher average vacancy rates experienced of 16 per cent for international staff, 31 per cent for national officers and 8 per cent for local staff.

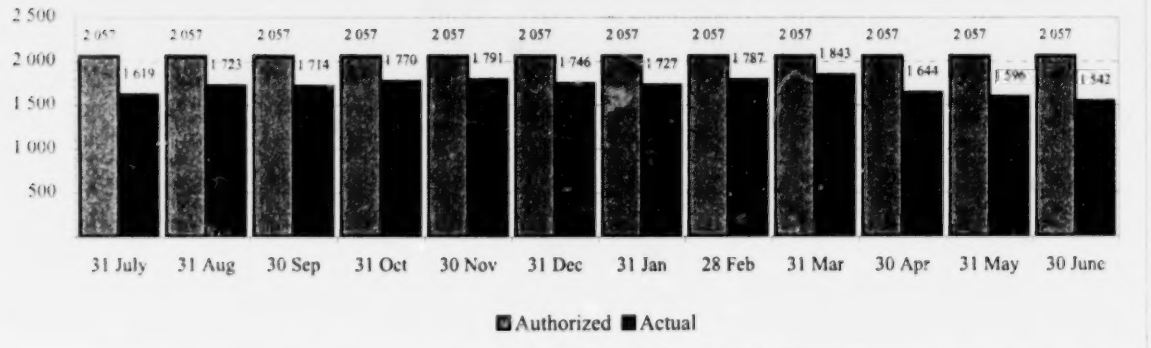
# Annex III

## Planned and actual deployment of military and civilian personnel for the period from 1 July 1999 to 30 June 2000

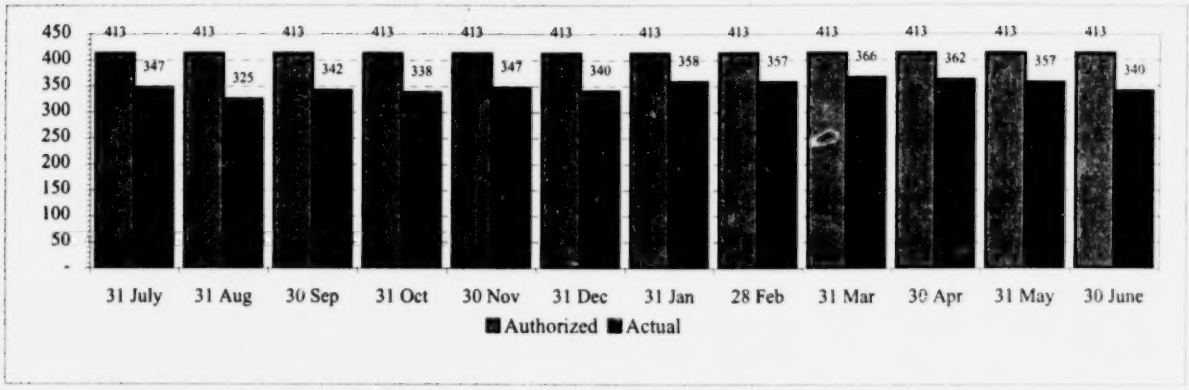
### 1. Military observers



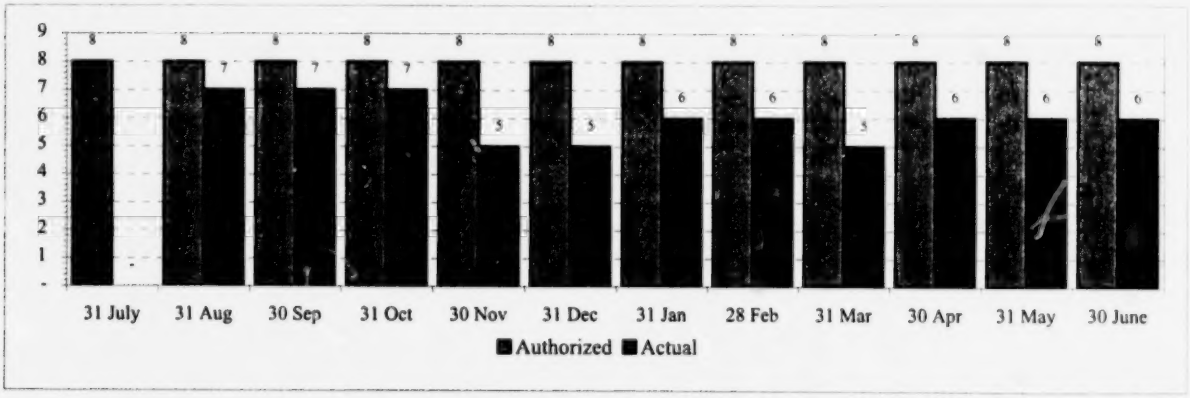

### 2. Civilian police



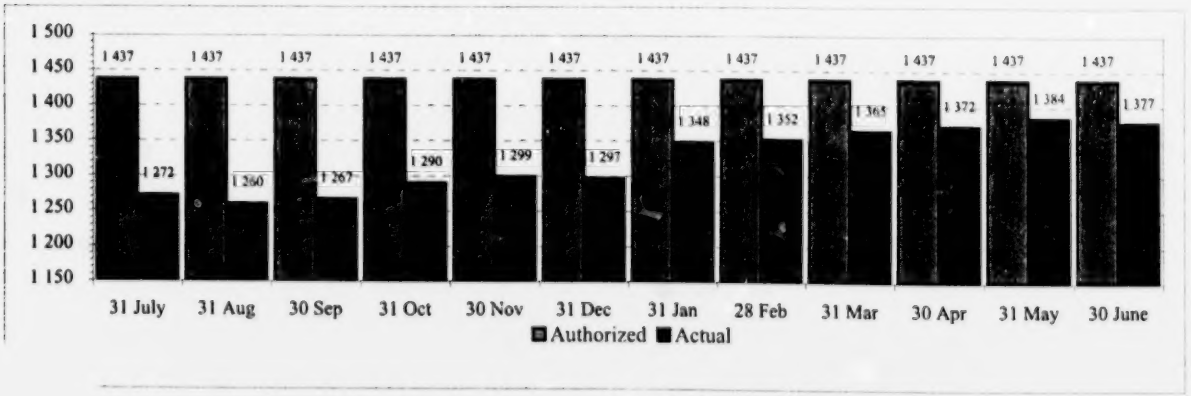
## 4. International staff




## 5. National officers

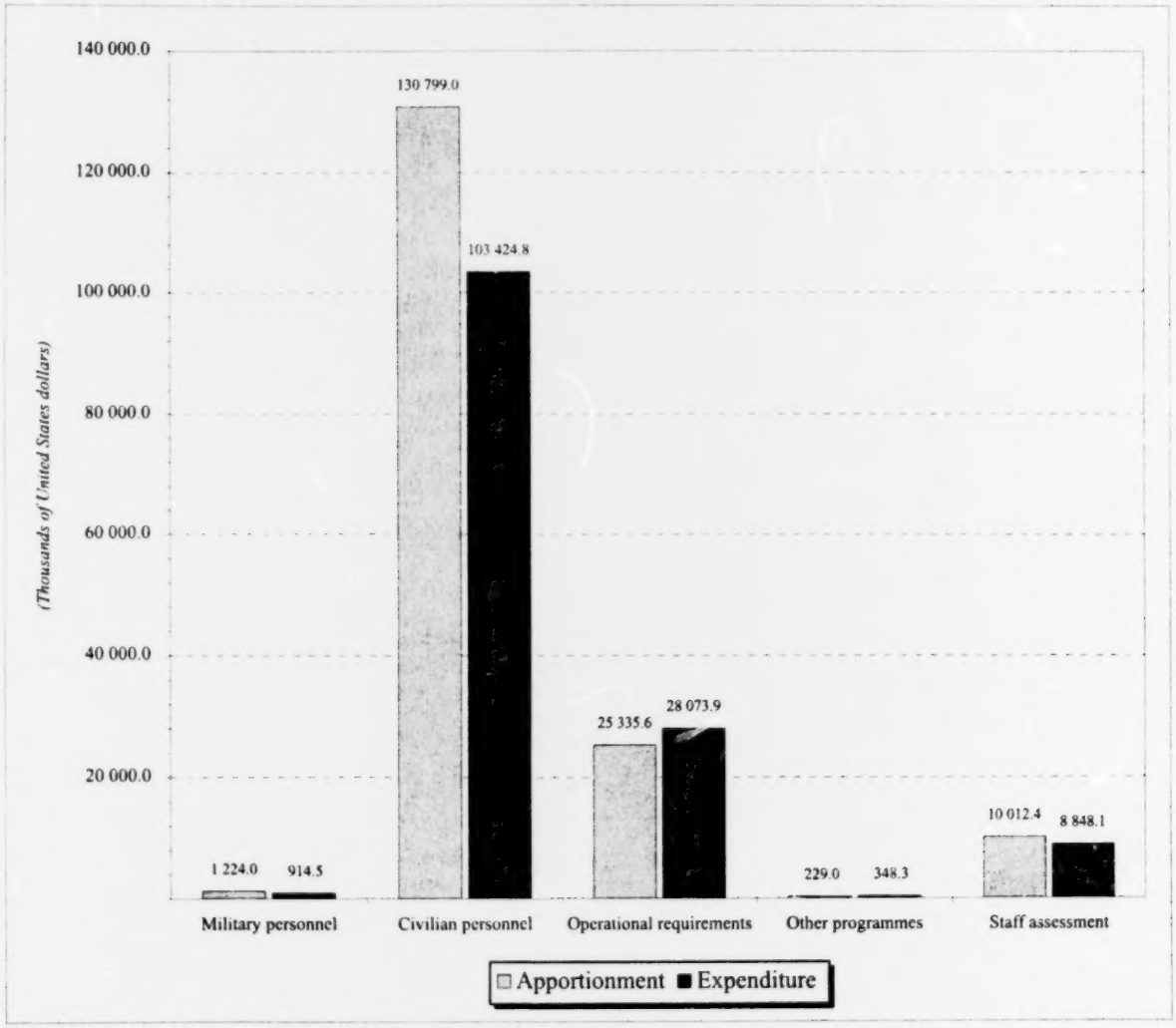



## 6. Local staff



# Annex IV

## Apportionment and expenditure for the period from 1 July 1999 to 30 June 2000



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Agenda item 114 (e)
**Human rights questions: report of the United Nations High Commissioner for Human Rights**

# Report of the United Nations High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (8-16 November 2000), which was issued as a document of the fifty-seventh session of the Commission on Human Rights (E/CN.4/2001/114).

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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Items 4 and 8 of the provisional agenda

# REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

# QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

## Report of the High Commissioner on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (8-16 November 2000)

GE.00-15946 (E)

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# I. INTRODUCTION

1. The General Assembly and the Commission on Human Rights have been seized of the situation of human rights in the occupied Palestinian territories for many years. Since late September, however, there has been a dramatic deterioration of the human rights situation in the occupied territories.

2. By a letter dated 3 October 2000, addressed to the United Nations High Commissioner for Human Rights, the Permanent Representative of Algeria to the United Nations Office at Geneva, on behalf of the Council of Arab Permanent Representatives of Members of the League of Arab States, requested that a special session of the Commission be convened "to discuss the grave and massive violations of the human rights of the Palestinian people by the Israeli occupying power".

3. In the light of the agreement of a majority of its members, the Commission on Human Rights convened in its fifth special session from 17 October to 19 October 2000.

4. On 19 October 2000, the Commission on Human Rights at its fifth special session, adopted resolution S-5/1 (E/2000/112-E/CN.4/S-5/5, chap. II), in which it decided inter alia to request the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories to take stock of the violations of the human rights of the Palestinian people by the Israeli occupying Power, to facilitate the activities of the mechanisms of the Commission in implementation of the resolution, to keep it informed of developments and to report to the Commission at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session. On 22 November 2000, the Economic and Social Council, in its decision 2000/311, endorsed the resolution adopted by the Commission at its fifth special session.

5. The mandate of the High Commissioner for Human Rights requires her to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights; to enhance international cooperation for the promotion and protection of all human rights; to engage in a dialogue with all Governments with a view to securing respect for all human rights; and to carry out the tasks assigned to her by the competent bodies of the United Nations system in the field of human rights. The High Commissioner is also mandated to report on her activities to the Commission on Human Rights, the Economic and Social Council and to the General Assembly.

6. Mindful of these aspects of her mandate, the High Commissioner for Human Rights undertook a visit to the Middle East from 8 to 16 November 2000. During her mission, she visited the occupied Palestinian territories, Israel, Egypt and Jordan. This report to the Commission on Human Rights summarizes the outcome of her mission.

7. The High Commissioner's visit to the occupied Palestinian territories took place at the urgent request of the Commission on Human Rights and because of the seriousness of the human rights situation there at the present time.

8. With regard to her visit to Israel, the High Commissioner, in cooperation with the Israeli authorities, undertook a visit that had been scheduled at an earlier stage but that had been postponed. The visit to Israel focused on general cooperation on human rights issues as well as on the situation in the occupied Palestinian territories. During her visit to Israel, the Israeli authorities expressly accepted, in a meeting between the High Commissioner and senior Foreign Ministry officials on 15 November 2000, that the High Commissioner's report on her visit to the region would also deal with the visit to Israel.

9. The visits to Egypt and Jordan were undertaken primarily in view of the situation in the occupied Palestinian territories. From that perspective, the discussions with leaders in those countries are reflected in this report.

10. In submitting this report, the High Commissioner for Human Rights is conscious of the evolving situation in the area, attentive to the efforts of the Secretary-General of the United Nations and others to promote peace, and to the importance of the quest for peace with justice and respect for human rights, and mindful of the duty of conscience regarding the situation of human rights prevailing in the occupied Palestinian territories. It is in this spirit of conscience that this report is submitted.

## II. OUTLINE OF THE HIGH COMMISSIONER'S VISIT TO THE REGION

11. The programme of the High Commissioner's visit to the region, including lists of those with whom she met, is annexed to the present report. The following is a brief summary.

12. In Gaza, the High Commissioner met with the President of the Palestinian Authority and Chairman of the Executive Committee of the Palestine Liberation Army (PLO), Mr. Yasser Arafat, senior representatives of the Palestinian Authority (PA), representatives of the NGO community, the Chairman of the Palestinian Independent Commission for Citizen's Rights and with representatives of United Nations programmes, funds and agencies, including the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations Special Coordinator. The High Commissioner visited the largest hospital in Gaza, Shifa Hospital, and met with 45 patients, including children, injured over recent weeks, as well as medical staff and family members. She travelled to the Rafah refugee camp near the Egyptian border, visited sites affected by the recent violence, including several UNWRA schools; visited a health care centre, and viewed settlements and military installations.

13. In East Jerusalem, the High Commissioner met with representatives of the Muslim and Christian communities as well as of NGOs, Palestinian officials and a delegation of expatriate volunteers. She visited Hebron, Ramallah and El-Bireh, where she met with the Speaker and other members of the Palestinian Legislative Council as well as with Ministers of the PA. In Ramallah, the High Commissioner visited a refugee camp, including a school, and, in El-Bireh, met with representatives of NGOs, and a delegation of schoolchildren.

14. In Israel, the High Commissioner discussed the recent human rights developments in Israel and the occupied Palestinian territories with the President of Israel, Mr. Moshe Katzav, the President of the Supreme Court, Chief Justice Aharon Barak, the Minister of Justice,

Dr. Yossi Beilin, the Director General of the Ministry of Foreign Affairs, Dr. Alon Leal and other senior officials, senior officials of the Ministry of Defence, representatives of the Israeli Defense Forces (IDF), the Israeli member of the United Nations Human Rights Committee, representatives of NGOs, academics and Israeli settlers from Gilo, and international and local staff of United Nations agencies.

15. In Cairo, the High Commissioner met with the Minister for Foreign Affairs of Egypt, Mr. Amr Musa, with senior officials of the Ministry of Foreign Affairs and with representatives of NGOs. She also met with the Secretary General of the League of Arab States, Dr. Ismat Abdel-Maguid.

16. In Amman, the High Commissioner was received by His Royal Majesty King Abdullah II of Jordan and met with the Deputy Prime Minister, Mr. Ahmed Khleifat, and the Secretary General of the Ministry of Foreign Affairs, Mr. Shaher Bak.

17. In all, the High Commissioner heard the views of several hundred people, many of whom spoke from personal experience of the present human rights situation. The High Commissioner also received several dozen written submissions and briefs, which have been considered in the preparation of this report. The High Commissioner wishes to record her appreciation and thanks to all those with whom she met and to the Governments, authorities and United Nations representatives which received her and facilitated her mission.

18. It was a difficult mission, addressing a highly politicized and complex situation with serious human rights implications. At each meeting in both the occupied Palestinian territories and Israel the High Commissioner emphasized the integrity of her mandate, the objectivity of her approach, and that her focus would be on the human rights implications of what she saw and heard and of what was represented to her by the various parties she met.

## III. GENERAL OBSERVATIONS

19. The human rights situation in the occupied Palestinian territories is bleak. The civilian population feels besieged by a stronger power prepared to use its superior force against demonstrations and stonethrowing by adolescents. During the course of the visit the violence escalated, with more shooting - including so-called drive-by shootings - on the Palestinian side and the use of rockets and heavy machine-gun fire on the Israeli side. At each meeting in the occupied Palestinian territories pleas for international protection or for some form of international monitoring presence were voiced.

20. In the occupied Palestinian territories, discussions concerning the present crisis and its impact on human rights were linked to the reality of the occupation itself. That reality was described by Palestinians as one of grinding, petty humiliations, discrimination and inequalities which were ultimately dehumanizing. It was explained that the anger and frustration of the present Intifada stemmed from lack of implementation of the key United Nations resolutions, especially General Assembly resolutions 181 (II) and 194 (III) and Security Council resolution 242 (1967), the continuing encroachment on land for settlements, and what was perceived as a peace process which had not addressed the Palestinian claims of a State with East Jerusalem as its capital and some recognition of the right of return of refugees.

21. Perhaps the strongest and most troubling impression taken away by the High Commissioner from her visit to Israel and the occupied Palestinian territories was that of two peoples who are linked by history and geography, but are currently separated by a wide and growing gap in their perceptions of each other. The violence of recent months has resulted in a hardening of positions, with little willingness on either side to understand or accept the narrative of the other.

22. Amongst Israelis there is a preoccupation with security, born of a strong sense of isolation and of being set upon from all sides. This can easily be understood in terms of Israeli and Jewish history. However, it is not appreciated or allowed for by a Palestinian people who see only Israel's overwhelming military superiority and experience its readiness to use it. Israelis with whom the High Commissioner met, including many who deeply believe in the peace process, said they felt shell-shocked by the recent breakdown of negotiations at a time when, to them, a comprehensive settlement had seemed so close. Amongst Palestinians, on the other hand, the predominant sentiment was that the process of the past seven years had delivered little or nothing to them. Whilst Israelis point to the building of economic links as a positive sign, Palestinians see the same process as increasing the dependence of the occupied territories and their vulnerability to exploitation by Israel during periods of crisis.

23. The High Commissioner was offered different views about the origins of the present cycle of violence, including on the significance of the visit of Mr. Ariel Sharon to the Temple Mount/Haram Al-Sharif, and on whether the current intifada is a spontaneous popular uprising or an orchestrated strategy. The High Commissioner referred repeatedly to her mandate, which addresses the underlying human rights causes of the conflict. Such an approach acknowledges the long-standing and unresolved grievances of the Palestinian people, many of whom are now third-generation refugees. It must also be understood, as it is by many Israelis, that Palestinians, including Arabs who have Israeli citizenship, have suffered and continue to suffer from serious discrimination. An inescapable conclusion is that much of the present situation has to do with the daily reality of life under the occupation, including what Palestinians see as the numerous daily humiliations imposed upon them, often deliberately, but sometimes through bureaucratic indifference towards people who lack political power. However, in discussing root causes, it must also be acknowledged that over an extended period the right of Israelis to "security of person" (Universal Declaration of Human Rights, article 3) has been threatened. This persistent insecurity has given rise to many of the problems which now lie at the heart of the human rights situation in the occupied Palestinian territories and Israel.

24. A related problem is that of hate speech and incitement. Numerous examples were cited to the High Commissioner during her visit and evidence was clearly visible on the walls of Palestinian houses and Israeli settlements. The High Commissioner was struck, for example, by the deep hurt caused by the accusation that Palestinian parents were forcing their children into the line of fire to achieve martyrdom. Similarly, she was shocked by calls broadcast on Palestinian television and radio urging the killing of all Jews. At this very difficult time it is incumbent upon leaders on both sides to avoid inciting racial and religious animosities and to condemn such incitement when it does occur within their communities. The High Commissioner believes that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will provide an opportunity for reflection and reconciliation, which political leaders and members of civil society alike should begin to prepare for.

## IV. HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

25. While in the occupied Palestinian territories, the High Commissioner received information from numerous sources alleging serious violations of human rights, both in relation to recent events and more long-term systematic abuses originating from the occupation itself. Also alleged was a failure on the part of Israel to adhere to international humanitarian law, in particular the 1949 Fourth Geneva Convention relative to the protection of civilians in time of war, whose applicability to the occupied territories has been repeatedly reaffirmed by United Nations bodies, including the Security Council, the General Assembly and the Commission on Human Rights. Particular areas of concern with regard to recent developments included: excessive and disproportionate use of force, including alleged attacks on medical personnel; the arbitrary destruction of property; the effects on Palestinian residents of Israeli settlement activity, including restrictions on freedom of movement; the serious economic impact on the residents of the occupied territories; the violations of the human rights of children; and restrictions on access to humanitarian assistance.

### Excessive use of force

26. The most persistent allegation brought to the attention of the High Commissioner was that Israeli security forces have engaged in excessive force, disproportionate to the threat faced by their soldiers. A wide range of observers, including United Nations representatives, expressed the strong view that the very high number of casualties, combined with the nature of the injuries being sustained, including by young people, could only be consistent with a military response which was both excessive and inappropriate. With only minor regional variations, this pattern was, said the observers, repeated in different locations throughout the affected areas.

27. The High Commissioner had requested a meeting with the Israeli Defense Forces (IDF). The meeting was facilitated by Israel and took place at Ben Gurien Airport on 13 November prior to her flight to Cairo. It is described in some detail in paragraphs 66 to 71 below but, as it offered an opportunity to hear the Israeli perspective on the allegations of excessive use of force, the relevant comments or a reference to the relevant paragraphs are inserted in the present section of the report.

28. In an attempt to disperse the demonstrations, the Israeli military authorities have used live ammunition, rubber coated steel bullets and tear gas, all of which have resulted in deaths and injuries amongst the Palestinians. Heavier weapons have also been used, including rockets fired by infantry and from helicopters, armoured vehicles which have been deployed throughout the Gaza Strip and the West Bank, and heavy machine guns. The use of heavy weapons has raised the incidence of death and injury amongst non-combatants and, indeed, several such deaths occurred during the period of the High Commissioner's visit.

29. A high percentage of the injuries sustained by Palestinians have been to the upper part of their body, including a large number of eye injuries, some caused by the firing of "rubber" bullets at close range. The result is often the loss of an eye, but can also be severe brain damage or death. In subsequent discussions senior IDF representatives accepted the potential lethalness of "rubber" bullets, and also that of tear gas, if used in a confined area, as has been alleged.

30. When asked about the reported injuries, senior IDF officers told the High Commissioner (see paras. 69-70 below) that the methods and weapons employed by the IDF in dealing with the present crisis are carefully calibrated according to the nature of the threat being faced and, in particular, that live fire, whether from small arms or heavier weapons, has only been directed at those who have used firearms or petrol bombs in attacks against Israeli forces.

31. While in the Gaza Strip, the High Commissioner visited Shifa Hospital, the largest hospital in Gaza with 650 beds and 8 operating theatres. The High Commissioner met with 45 patients, including boys and girls under 18 and their relatives. A 15-year-old, now a paraplegic, informed the High Commissioner that he was shot by Israeli soldiers while he was demonstrating and throwing stones in the industrial zone close to Erez checkpoint. He had joined other teenagers after school to express his anger following the death of one of his schoolmates the previous day. A 14-year-old wounded in the arm and leg explained that he had gone to throw stones in revenge after a classmate had been shot and blinded in both eyes, and the doctor accompanying the High Commissioner confirmed he had treated this other boy. The High Commissioner heard numerous anecdotal accounts of shootings involving Palestinians who, it was said, could not have been involved in any form of protest activity, for example, an elderly man who was shot twice near the door of his house and a pregnant woman who was shot whilst on the roof of her house. See paragraphs 69 and 70 below for the IDF response on rules of engagement and child casualties.

32. The Minister of Health of the Palestian Authority, Dr. Riadh Al-Zaanoun, told the High Commissioner that by his estimates some 6,958 persons (3,366 in the West Bank and 3,592 in the Gaza Strip) had been wounded during the period 29 September-9 November 2000 and that 1,016 Palestinians had been injured in Israel. Of those injured, he said, 40 per cent were under the age of 18. According to the Minister, the types of ammunition responsible for injuries were as follows: rubber bullets (41 per cent); live bullets (27 per cent); tear gas (27 per cent); and others, including rockets (11 per cent).

33. The Palestinian Red Crescent Society estimates that 236 Palestinians were killed and 9,353 injured during the period 29 September-23 November. During the period 27 September-23 November, Israeli official sources estimate that 30 Israelis were killed and 375 were injured. Estimates are disputed by the parties.

Impact on children

34. According to the Red Cross/Red Crescent, as of 20 November, 86 children (aged 18 and under) had been killed and over 3,000 injured, two to three hundred of whom, it is estimated, will have permanent disabilities. According to the same source, hundreds of Palestinian children have been obliged to abandon their homes in order to escape the violence. The destruction of family dwellings has left more than a thousand children without homes, often in situations of food shortage and without access to medical care.

35. The current situation in the West Bank and Gaza Strip has had a serious impact on the Palestinian education system. The High Commissioner visited two schools in the Gaza Strip and one school in Ramallah where she was briefed by teachers on the consequences of the current situation for Palestinian pupils. She was told that since the beginning of October more

than 40 schools have been closed or are unable to operate owing to curfews or closures. Other schools, such as one visited by the High Commissioner in the Gaza Strip, have been damaged by gunfire and the premises abandoned, requiring that several thousand children be fitted into other schools if possible.

36. In discussions with directors of preparatory schools and educators, as well as delegations of children in Gaza and Ramallah, the High Commissioner was told that many children suffer from psychological and social problems as a direct consequence of the current situation. Children themselves explained to the High Commissioner their fear of leaving their homes or, in some cases, of going back to their homes, and of difficulties sleeping. According to UNICEF, only about 1 per cent of adolescents in Gaza have actually engaged in demonstrations or attacks against Israeli military positions. However, teachers have reported that the rest of the students who have remained at their studies have nevertheless been mentally distracted or emotionally affected by the events in the street, with the result that their educational performance has deteriorated.

Medical personnel

37. An aspect of particular concern is the allegation that the medical condition of many of the victims has suffered, with some deaths, as a consequence of their being denied access to timely medical assistance. Reportedly, Palestinian ambulances and medical personnel have been prevented from discharging their normal responsibilities. During the High Commissioner's visit to Gaza, her vehicle was unable to proceed along the main north-south road because of an exchange of gunfire on the road ahead which had left two Israeli soldiers at a checkpoint seriously wounded and two Palestinians dead in their vehicle. The High Commissioner witnessed the fact that two ambulances were not permitted to attend to the Palestinian casualties.

38. Very serious allegations were made of attacks by Israeli security forces on medical personnel and ambulances. The High Commissioner was informed about the case of a Palestinian Red Crescent Society ambulance driver, Bassam Al-Balbisi, who had been killed while trying to approach 12-year-old Mohammad Al-Dura and his father in order to move them into an ambulance. According to Palestinian officials, 45 ambulances had been attacked by Israeli forces in Jerusalem and the West Bank and 23 in the Gaza Strip. The High Commissioner was told that nine ambulances had been put out of service owing to damage between 29 September and 9 November.

Destruction of property

39. In the Gaza Strip, the High Commissioner visited Rafah refugee camp and surrounding areas where she was able to inspect a number of private houses and apartments that had been heavily damaged by gunfire and/or rocket attack, particularly at night. The owner of one house in Rafah told the High Commissioner that she had been obliged to leave her house, within a few minutes, when she realized that an Israeli tank had already started to destroy part of the house. A farm owner told the High Commissioner that Israeli soldiers had destroyed his greenhouses and his family residence during the night of 29 October. Water wells have reportedly also been destroyed in actions carried out by settlers or Israeli forces. The High Commissioner saw that a

number of fields of fruit-bearing trees, particularly olive trees, had been cleared in the occupied regions. The High Commissioner was told that, in many cases, these orchards and fields represented the entire livelihood of dozens of families.

40. According to the IDF (see sect. V below), the clearances and demolitions were carried out as matter of military necessity because these structures or plantations had been used as cover by Palestinian gunmen. The IDF told the High Commissioner that the doctrine of military necessity meant that compensation was not payable in these circumstances. Israeli officials told the High Commissioner that military action carried out in the Palestinian areas often took place at night, because this was the time when Palestinian gunfire most often occurred.

Settlements

41. At the best of times relations between Israeli settlers and Palestinians are extremely sensitive and tense. At times of crisis the settlements can become a catalyst for violence. Amongst the main concerns raised by the Palestinian interlocutors were the privileged position settlements enjoy with respect to land and water for domestic and agricultural use, the negative impact on surrounding Palestinian communities, the fact that settlers are heavily armed and live in barrier-enclosed areas protected by the IDF and that separate roads have been created for settlers alone which are prohibited to Palestinians. The concerns raised with the High Commissioner by three Israeli families living in Gilo whom she met at Ben Gurion Airport on 15 November are set out at paragraph 71 below.

42. In Gaza, Israeli installations to protect settlements there are located on the main road through Gaza and have become the focus for stone throwing and shooting by Palestinians, with severe retaliation by the Israeli military. It was strongly represented to the High Commissioner that if these military installations and heavy armoury were to move off the highway and closer to the settlements being protected this could ease tension. The IDF analysis was that the protection role could only be discharged from the present positions (see paras. 69-70 below).

43. Following her visit to the refugee camp at Rafah the High Commissioner was driven along a settlement road and was surprised to be shown further expansions of settlements taking place.

44. The High Commissioner visited the city of Hebron, one of the biggest administrative units in the occupied Palestinian territories in terms of area and population, and went into the Israeli controlled part of Hebron known as H2 in the company of officials of the Temporary International Presence in Hebron (TIPH). Since the first week of October, the IDF has imposed a curfew on 30,000 Palestinians living in the H2 zone, which has had an enormous impact on the enjoyment by Palestinian residents of their basic human rights. As a result of the curfew, thousands of families and their children live under virtual house arrest, confined to their homes for all but a few hours per week. During the hours when the curfew is not imposed the use of motor vehicles by Palestinian residents is forbidden, requiring residents to walk considerable distances to purchase food supplies, as shops in the Hebron H2 zone are also affected by the curfew.

45. Workers from the Hebron H2 zone have been prevented from reaching their places of work, whether in Israel or in the occupied territories. Restrictions on freedom of movement make it increasingly difficult for the Palestinians in the H2 zone to meet their most basic needs, such as food supplies and medical care, and Palestinian children cannot attend school. In this regard, the High Commissioner was informed that 32 schools had been closed since the beginning of the events, preventing some 15,000 pupils from exercising their right to education.

46. The curfew does not apply to the 300 to 400 Israeli settlers living in the H2 zone of the city and the settler school remains open. To ensure the safety of those settlers, the IDF maintains a large presence in that part of Hebron (700 soldiers according to the IDF; 2,000 according to another source). Three schools and several Palestinian houses in the H2 zone have been taken over by the IDF and turned into military posts.

47. At a meeting with the Mayor of Hebron, the Minister for Transport and other officials in the H1 zone of Hebron (under the Palestinian Authority), the High Commissioner was told that, since October, 20 Palestinians had been killed in Hebron, of whom 5 were under 18 years of age, and that many houses, stores and facilities had been damaged, without compensation. Allegations were made that settlers were involved in violence against and harassment of Palestinian residents, with the tacit consent of the IDF.

48 IDF representatives told the High Commissioner that their presence was necessary to secure the safety of the settler community, which had been subjected to regular fire from Palestinian gunmen.

Freedom of movement

49. An effective closure of the occupied territories has been applied since the beginning of October and the movement of the population there continues to be heavily restricted. The High Commissioner's own travel between Israel and the occupied territories, and within the occupied territories, afforded an opportunity to assess the immediate impact of these restrictions. It was noted that, while road closures impact heavily on Palestinians, there exists a parallel road network, established by the Government of Israel, known as the by-pass roads, exclusively for the use of Israeli settlers and the authorities, enabling them to travel freely.

50. In discussions with senior IDF representatives, the High Commissioner called for a lifting or easing of the closures. The response from the senior officer responsible for IDF operations in the occupied territories was that the closures were a necessary security measure. An explicit linkage was drawn between the closures and the release in October, by the Palestinian Authority, of some 80 prisoners who had been held in Palestinian custody and who are considered by the Israeli authorities to pose a major security threat to Israel. The High Commissioner was told that if the Palestinian Authority were to re-incarcerate these 80 prisoners then the closures would be lifted the same day.

Freedom of religion

51. The High Commissioner met Muslim and Christian leaders representing the Palestinian and Armenian communities in East Jerusalem. They told the High Commissioner that the Israeli authorities continued to deny Palestinians full access to holy sites, including the Al-Aqsa Mosque and the Church of the Holy Sepulchre.

52. Since the beginning of October, access to the Al-Aqsa Mosque has been denied to Muslims, even religious leaders, under the age of 45 years. As a result, only one tenth of the usual number of worshippers currently have access to Al-Aqsa. Representatives of both communities expressed the wish to have full responsibility for their own holy places, which is currently denied by the Israeli authorities. They complained also of disrespectful behaviour by Israeli troops stationed at the holy sites. In discussing the need for religious tolerance, they explained to the High Commissioner their shared vision of Jerusalem as encompassing "one city, two peoples and three religions" and stressed the universal character of the city and the necessity to maintain its spiritual soul.

53. The High Commissioner relayed these views to the Israeli authorities in her subsequent discussions with them. In particular, she expressed her concern that restrictions on access to the holy sites could result in increased tension during the coming month of Ramadhan. The Israeli authorities told the High Commissioner that the restrictions were necessary to prevent armed extremists from occupying the holy sites, which would necessitate an Israeli military response. They argued that the degree of control over holy sites currently given to Palestinians was greater than that which had been accorded to Jewish communities prior to the creation of the State of Israel. In some cases where Palestinians had been entrusted with the protection of holy sites, such as Joseph's Tomb, these sites had subsequently been desecrated.

Economic impact

54. The United Nations development and humanitarian agencies operating in Jerusalem and Gaza provided comprehensive briefings to the High Commissioner on the impact that the current situation, particularly the closures, is having on the enjoyment by Palestinians of their economic rights and their right to development. They explained that the seriousness of the economic situation required that they put development programmes on hold and concentrate on emergency response and relief.

55. Approximately 128,000 Palestinian workers, normally employed in Israel, are currently barred from travelling to their workplaces. The movement of Palestinians within the occupied territories is severely restricted under the strict internal closure imposed, for instance, on the various parts of the West Bank.

56. According to the Israeli Ministry of Defence figures, the restrictions affect 20 per cent of the Palestinian workforce and some 35 per cent of total salary income. According to the Office of the United Nations Special Coordinator, unemployment had tripled since the beginning of October, which translates into a loss of household income of some 10 to 11 million dollars

per day. While most reports indicated that there were adequate supplies of food within the occupied territories, the means with which to purchase food, medicines and other basic necessities are rapidly becoming exhausted as affected families use the last of their savings.

57. United Nations studies also report a 50 per cent reduction in normal economic activity within the territories themselves. Restrictions on the movement of Palestinians within the West Bank have had economic consequences. Another serious factor has been the restriction on the import of raw materials, particularly cement. The ban on the movement of cement has effectively brought construction, normally the single largest industry in the occupied territories, to a standstill.

58. According to a Ministry of Defence briefing provided to the High Commissioner, loss of confidence among Israelis has also had a major effect on economic conditions in the occupied territories. In 1999, some 100,000 Israelis travelled to the territories for commercial reasons, generating income of $500 million. Cooperative projects in industrial zones along the "green line" between Israel and the territories had resulted in the completion of 25 factories but since the start of the intifada, three of these factories have been burned and an industrial estate attacked, with the result that investor confidence has plummeted. The Ministry representatives also stated that the effects of the closures have been exacerbated in some cases by the reluctance of Palestinian Authority officials to cooperate with Israeli security processes at border checkpoints.

59. According to an International Monetary Fund (IMF) briefing provided to the High Commissioner, a factor which has aggravated the economic impact of the closures and other restrictions has been the failure of the Israeli authorities to make available to the Palestinian Authority in a timely manner certain tax revenues owed to it under existing agreements, which has affected the capacity of the Palestinian Authority to pay salaries to its employees.

60. Although the adverse economic consequences of the current situation are being felt most acutely in the occupied Palestinian territories, they have also had a negative impact on the Israeli economy.

Humanitarian access

61. Access is a major preoccupation for all humanitarian organizations operating in the occupied territories. Of particular concern are the restrictions imposed on the movement of United Nations local Palestinian staff, who make up the vast majority of United Nations employees in the occupied territories.

62. The High Commissioner was informed that because of the closures, emergency evacuation of seriously injured civilians for treatment abroad is difficult. Restrictions on access also affect the import of donations of humanitarian goods and equipment from abroad. Imports into Gaza involve unloading of the cargo of every truck originating from Israel at the Gaza/West Bank entry checkpoints and reloading onto other trucks for onward delivery. United Nations agencies have reported difficulties in obtaining clearance for emergency health kits.

63. The Ministry of Defence indicated that it was doing everything possible to facilitate humanitarian access to the occupied territories. During October alone, the Ministry representatives said, requests from some 80 countries had been processed in relation to medical supplies, blankets and sophisticated hospital equipment. A special coordination centre had been set up in order to bypass the usual bureaucratic channels and close liaison had been established with the Palestinian Authority.

64. The High Commissioner, in her subsequent discussions with senior IDF representatives, raised the specific issue of UNRWA medical supplies that had been blocked in Jerusalem. The IDF representatives indicated that this type of cargo should not be the subject of any restriction and they undertook to facilitate its delivery.

## V. VISIT TO ISRAEL

65. The High Commissioner's visit to Israel allowed her to address general human rights issues and hear the views of a wide range of Israeli citizens and organizations, both Jewish and Arab. However, given the current situation, most discussions focused on the human rights situation in the occupied territories. The following paragraphs reflect the Israeli perspective on the situation.

### Excessive use of force

66. On 13 November, following her visits to Gaza, Hebron and Ramallah, the High Commissioner discussed, with the Israeli authorities, the use of force by the IDF and other security forces. The High Commissioner expresses her appreciation for the very frank and informative meeting with the senior IDF officers responsible for security, intelligence, legal issues, weapons development and public affairs, which the government facilitated.

67. The IDF officers outlined their view of the genesis of the present situation - a view which was shared by other Israeli government officials. In brief, the view was put that the current intifada had been launched as a deliberate strategy of the Palestinian leadership. On offer at Camp David had been a Palestinian State, with reference made to both a right of return and a negotiated division of Jerusalem. According to the IDF, the Palestinian leadership, unwilling to make the difficult political compromises required, had ignited what it hoped would be a "CNN war" in which Palestinian losses would rally the support of the Muslim world and sway public opinion in the West. The aim was to increase international pressure on Israel to make further concessions. The ultimate goal was a Kosovo-style intervention force to protect "Palestinian territory", rather than "Palestinian people", thereby achieving a resolution without having to go to the negotiating table.

68. In terms of the pattern of the violence, the IDF officers described as typical a situation which commenced with stone throwing but which quickly escalated into armed attacks. Whereas the previous intifada had almost exclusively featured stone throwers, who were dealt with using riot control techniques, the Palestinians were now armed and many incidents featured a lethal mix of stone throwers and shooters. It was stated that out of 5,085 attacks on Israeli settlements, some 1,400 had involved live fire, including machine gun fire or the use of firebombs.

69. The IDF officers said that, according to their rules of engagement, attackers who use live ammunition could be shot by soldiers and sharpshooters deployed for that purpose. Nevertheless, they said, the IDF was only using 2 per cent of its military force. The High Commissioner was told that most of those killed over recent weeks had been armed attackers, shot after opening fire on Israeli positions. Some, however, had been killed in the crossfire, by one side or the other. Asked about the number of child casualties, the IDF officers responded that they were unable to indicate ages and numbers as the IDF generally had no access to the dead and wounded on the Palestinian side. However, they felt that the numbers reported were exaggerated and told the High Commissioner that the Tanzeem militia recruited and armed children.

70. Asked why the IDF reportedly often resorts to the use of live ammunition instead of non-lethal weapons, the IDF officers indicated that the military tactics being employed against them influenced the types of weapons the IDF could employ. They explained to the High Commissioner that Israel was concerned to reduce the number of casualties. So-called less-than-lethal weapons (which can still kill at short ranges or high concentrations) such as plastic coated bullets, tear gas and water cannons are only effective at a range of 50-100 metres. But at this range troops are vulnerable to live fire. The IDF have over the last few months field-tested dozens of weapons but have concluded that less-than-lethal weapons effective to a range of 200 metres do not currently exist. As a consequence, new weapons systems are being developed which, the IDF hope, will soon be deployed to control crowds effectively at longer ranges with little or no risk of serious injury.

71. Before leaving Israel on 15 November, the High Commissioner met at Ben Gurion Airport with three families from Gilo, a Jewish settlement on the outskirts of Jerusalem, who described nightly gunfire directed at their homes from a neighbouring Palestinian area. They also expressed concern that this resulted in heavy retaliation by the Israeli side, causing an intolerable situation for all civilians. They had had good relations with their Arab neighbours and were appalled at how the situation had deteriorated. Their families had lived in Gilo for upwards of 20 years and they did not see themselves as settlers. They urged the need to stop the violence and return to political dialogue.

Investigations; compensation for damage

72. Matters which the High Commissioner pursued with IDF representatives were the issue of how the use of lethal force was investigated by the IDF, what punishments were available for improper or excessive use of such force, and how many investigations had been conducted to date and with what result.

73. She was told that, unlike the situation during the previous intifada, when the Israeli army was in full control of the occupied Palestinian territories, there was currently no policy of routine investigation into the use of lethal force. Investigations could, however, be carried out internally if there was a particular reason to suspect that improper conduct had taken place. It was explained that that decision had arisen from the IDF evaluating that the current situation could be described as a state of "active warfare". In that situation the rules of war applied and soldiers were not required to account for each shot fired. In any case, the IDF representatives said, the number of shots being fired made such a policy impractical. Reference was also made to the

practical difficulties of investigating incidents in areas under Palestinian Authority control. Another consequence of the IDF decision about the state of "active warfare" was that compensation would no longer be made for the military use of private property, as it had been in the past. Asked about the destruction of houses and orchards in the occupied Palestinian territories, the IDF representatives advised the High Commissioner that there was no question of compensation as, under the rules of war, those areas had been cleared as a matter of military necessity because they had been used as cover by Palestinian gunmen.

74. The IDF representatives added that the new assessment of their current legal situation would normally also affect their own rules of engagement. In the present case, however, a decision had been taken to maintain the same rules of engagement as applied in previous intifada, in order not to increase the number of casualties. The IDF representatives made the point that double standards were being applied in relation to the Palestinian side which was not under international scrutiny about its rules of engagement or its policy on investigating shootings and violations of human rights. The IDF representatives referred to the lynching of two Israeli soldiers in Ramallah.

Situation of Arab Israelis

75. The situation of Arab Israeli citizens was raised at a meeting between representatives of Israeli NGOs and the High Commissioner as a specific human rights problem, albeit one which could not be entirely separated from the general situation in the occupied territories. Representatives of a number of Israeli NGOs indicated that Israeli Arabs, who represent 20 per cent of the State's population, had faced decades of neglect and discrimination on the part of the Israeli authorities.

76. Representatives of the Ministry of Foreign Affairs told the High Commissioner that the Government of Israel was taking measures to promote the integration of Israeli Arabs into Israeli society and to guarantee their rights as full citizens. Most Israeli interlocutors, including officials, acknowledged, however, that Israeli Arabs had suffered disadvantage and discrimination and that there was still some way to go in achieving full equality for that community. The President of the Supreme Court, Chief Justice Aharon Barak, briefed the High Commissioner on judicial action taken by the Supreme Court with respect to issues of equality, including decisions grantingArabs the right to purchase land in Israel. He also outlined the liberal approach adopted by his court concerning issues such as standing and jurisdiction in civil cases, which enabled NGOs to bring suits on behalf of aggrieved persons.

77. Most of the Arab Israelis whom the High Commissioner met described their situation as one of exclusion, prejudice, official hostility and routine humiliation. Since 28 September, however, the threat of violence which has engulfed many of their communities has become the primary concern of Arab Israelis. There was a sense of frustration that their problems were perhaps less well recognized than those of Palestinians living in the occupied territories.

78. Arab Israeli NGO representatives told the High Commissioner that, following the street demonstrations that took place in Arab cities and villages in Israel at the end of September and beginning of October, the security forces had responded with brutality and excessive force, using live ammunition, tear gas and plastic coated bullets, in contrast to the more moderate tactics

employed against Jewish protesters. This had led to the deaths of 13 Arab Israeli citizens. Many more had been injured and more than 1,000 arrested. A particular concern was the manner in which detention policy was being implemented. Many arrests, including of minors, were being carried out during night-time raids on homes. Once arrested, Arab detainees, including minors, were, according to these sources, far more likely to be held in custody without bail until the conclusion of their trials. It was asserted that this pattern was the result of a deliberate policy of discrimination against Arab Israelis on the part of the Attorney General's Office and the State Prosecutor's Office. It was further asserted that this policy extended to appealing every decision to release Palestinian detainees, which did not apply where Jewish detainees were concerned. Concern was expressed that the courts had largely acquiesced to these policies, with the result that large numbers of young Arab Israelis remained in detention. This issue was raised by the High Commissioner with the State Attorney General who indicated that she would look into the situation of young detainees.

Israeli Commission of Inquiry

79. On 11 November, the Government of Israel decided to establish a State commission of inquiry to inquire into the clashes, since 29 September, between the security forces and Israeli citizens in which 13 Arabs were killed and hundreds of people injured. The Commission, composed of three members, will be chaired by a justice of the Supreme Court. The Judicial Commission of Inquiry Law gives this Commission full power to subpoena and obtain information from anyone it deems may be able to assist in its inquiry. Witnesses who testify before it enjoy full immunity. Its mandate is to investigate how the events developed, determine the facts and draw conclusions. The Commission of Inquiry will decide for itself whether to publish its findings. It will not address cases which occurred in the occupied Palestinian territories or cases involving non-Israeli citizens.

80. Some Arab Israeli NGOs have welcomed the establishment of the Commission of Inquiry, while regretting that time was lost by the Government in establishing initially a more limited "examining committee". Others have expressed scepticism as to whether it will cdequately address the issues.

National human rights commission

81. Recent events in Israel have underlined the need to strengthen national mechanisms for the protection and promotion of human rights, especially in the area of non-discrimination. In this context, the High Commissioner noted the positive steps being taken towards the establishment of an independent national human rights commission.

82. During the High Commissioner's meeting with the Minister of Justice and representatives of civil society such as human rights lawyers, academics and experts, the Minister reiterated his commitment to establish a human rights commission. He mentioned that the Minerva Center for Human Rights at the Hebrew University of Jerusalem had undertaken to carry out research on national human rights institutions and to recommend a model for an Israeli institution. In the first stage of the project, the research team examined international guidelines and the legislative

and administrative structure, function and modes of operation of human rights institutions in other countries. The NGO community had also been consulted when the proposal was being drawn up and their concerns, ideas and suggestions had been discussed with the research team.

83. Following these consultations the research team will prepare a draft report which will be distributed for comments among government officials, academic institutions and the NGO community. The final proposal, which will incorporate the responses on the draft report, will be presented to the Minister of Justice by March 2001. The High Commissioner was advised that the proposal will include recommendations on the relationship between the human rights commission and the Parliament and the Government, as well as existing executive bodies, such as the State Comptroller, the Ombudsman and the recently established Commission for Equal Rights for People with Disabilities. The final report will present the amendments needed to current legislation and recommend draft implementing legislation.

84. The High Commissioner offered the services of her Special Adviser on National Human Rights Institutions to assist the Government in its efforts towards the establishment of a national commission. On 17 November, the High Commissioner wrote to the Minister of Justice reiterating this offer.

## VI. VISIT TO EGYPT

85. The High Commissioner visited Egypt to discuss with senior officials and the Secretary General of the League of Arab States the human rights situation in the occupied Palestinian territories and the follow-up to the fifth special session of the Commission on Human Rights.

86. In Cairo, the High Commissioner met with the Minister for Foreign Affairs, Mr. Amr. Musa, together with senior officials of the Ministry of Foreign Affairs. The Minister briefed the High Commissioner on steps taken by Egypt at the political level to assist in resolving the present conflict, including implementation of the agreement reached at Sharm El Sheikh. He expressed his Government's deep concern at the continuing deterioration of the situation in the occupied Palestinian territories and the impact it was having on the Palestinians. In this regard he raised the question of Israel's compliance with the Fourth Geneva Convention and referred to the necessity to implement the decisions taken during the fifth special session. The High Commissioner briefed the Minister on her visit and, in response to the concerns expressed with regard to access for humanitarian aid, the High Commissioner informed the Minister that she had made representations to the Israeli authorities concerning access for humanitarian relief supplies destined for the occupied territories.

87. During the High Commissioner's meeting with the Secretary General of the League of Arab States, Dr. Ismat Abdel-Maguid, the latter referred to the concerns expressed in Arab countries with regard to the situation of the Palestinians and steps taken by the members of the League of Arab States following their meeting in Cairo on 19 October. He expressed his appreciation of the High Commissioner's decision to visit Israel and the occupied Palestinian territories at a very difficult time. He also declared the readiness of Arab countries to support the resolution adopted at the fifth special session and indicated that he was looking forward to its implementation.

## VII. VISIT TO JORDAN

88. In Jordan, the High Commissioner was received by His Royal Majesty King Abdullah II. He expressed deep concern about recent developments in Israel and the occupied territories and mentioned that Jordan was sparing no efforts to assist both parties in the implementation of the decisions agreed upon in Sharm el Sheikh. In terms of humanitarian assistance, King Abdullah described the extensive relief programme put in place by Jordan, including a hospital in the West Bank.

89. In a separate meeting with the Deputy Prime Minister and with senior officials from the Ministry of Foreign Affairs, the High Commissioner was made aware of Jordan's concern about current events, particularly given the strong ties between the Jordanian and Palestinian peoples.

## VIII. CONCLUSIONS AND RECOMMENDATIONS

90. The High Commissioner came away from her visit deeply concerned about the serious deterioration of the human rights situation in the occupied territories and Israel and at the terrible cost in terms of human lives. It is vital that both parties renew efforts to halt the current dangerous escalation.

91. Mindful of the urgent and widespread calls for international protection made to her during her visit to the occupied territories, the High Commissioner believes that every effort should be made to explore the feasibility of establishing an international monitoring presence.

92. The only path to lasting peace and stability is through peaceful negotiation, which calls for courage and responsibility on the part of the leadership of both sides. When she met with Chairman Arafat in Gaza on 15 November, the High Commissioner asked him if he would publicly call for an end to the shooting by Palestinians. Later the same day he called on Palestinians to stop firing on Israeli targets from zone "A" of the occupied territories. In discussions with senior IDF officers, the High Commissioner also urged a withdrawal of Israeli military forces from some of their forward positions and a lowering of the military profile in the occupied territories. She continues to believe that some specific steps in that direction by the IDF could help to break the present cycle of violence.

93. The High Commissioner believes that a peaceful and stable future in the region can only be achieved on the basis of a framework conforming to the requirements of international human rights and humanitarian law. Full application of the international human rights standards set out in the Universal Declaration of Human Rights and the two Human Rights Covenants is essential.

94. The High Commissioner recalls that the General Assembly and the Commission on Human Rights have repeatedly reaffirmed the de jure applicability of the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War to the occupied Palestinian territories. Article 1 of the Convention places a duty on all the High Contracting Parties "to respect and to ensure respect" of the provisions of the Convention "in all circumstances". It would be appropriate for the High Contracting Parties to assume their responsibility under the Convention.

95. Another way in which the international community can assist is through the work of the task force established under the terms of the Sharm El Sheikh Agreement.

96. The High Commissioner would urge that the following specific steps be taken in order to stop the escalation of violence:

The security forces of both sides should act in full conformity with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Whenever force is used the principle of proportionality has to be applied and all necessary measures have to be taken to avoid loss of life or injury to civilians or damage to civilian property.

The construction of new settlements should cease and those located in heavily populated Palestinian areas should be removed. As well as protecting settlers, the Israeli security forces should also protect Palestinians from violence perpetrated by Israeli settlers.

All cases of the use of lethal force on both sides should be investigated and subjected to the processes of justice in order to avoid impunity.

Compensation should be provided to the victims of unlawful use of force, including for the loss of property.

Curfews should be imposed only in extreme circumstances and as a last resort. In no case should curfews be used as a punitive measure. In cases where a curfew is imposed, it should be done in consultation with the local communities with a view to limiting the adverse impact on the human rights of those affected.

The enjoyment of economic rights within the occupied Palestinian territories, including the right to development, should be protected.

All holy sites and access to them by all faiths should be respected.

The Israeli authorities should ensure freedom of movement of international and national staff of United Nations agencies and facilitate access by them to those in need of assistance.

Cooperation with the United Nations agencies is vital to ensure effective humanitarian assistance in the occupied Palestinian territories.

97. The High Commissioner will:

Continue, through her office in the occupied Palestinian territories, to assist the Palestinian Authority to build up its institutional capacity in the area of the rule of law;

Offer the services of her Special Adviser on National Human Rights Institutions to assist the Government of Israel in its efforts towards the establishment of a national human rights commission;

Provide the necessary secretariat support for actions undertaken by the Commission on Human Rights, and its mechanisms, in the implementation of the resolution adopted at its fifth special session;

Stand ready to facilitate dialogue between the human rights bodies of Israel and the Palestinian Authority, Palestinian and Israeli NGOs, and other representatives of civil society in order to enhance mutual understanding;

Urge the international community to support the work of United Nations agencies in the occupied Palestinian territories and, in this context, contribute generously to the different resource mobilization initiatives currently under way including those of the World Food Programme, UNICEF, the World Health Organization and UNRWA.

Annex*

PROGRAMME OF THE VISIT IN THE OCCUPIED PALESTINIAN TERRITORIES AND ISRAEL

A. Visit to the occupied Palestinian territories

1. Meeting with members of the Palestinian Authority

Mr. Yasser Arafat, President
Mr. Tayeb Abdel Rahim, Minister of Presidential Affairs
Mr. Freih Abu Middain, Minister of Justice
Mr. Zouhdi Nashashibi, Minister of Finance
Mrs. Intissar Al Wazir, Minister of Social Affairs
Dr. Riyadh Al-Zaanoun, Minister of Health
Mr. Youssef Abu Safia, Minister of Environment
Mr. Abdul Rahman Hamad, Minister of Housing
Mr. Ziyad Abu Zayyad, Minister of Jerusalem Affairs
Mr. Rafeeq Natshah, Minister of Labour
Mr. Ali Al Qwasma, Minister of Transportation
Mr. Talal Sadr, Minister without portfolio
Mr. Ahmad Said Tamimi, Acting Minister of the Interior
Mr. Ibrahim abu Dhaga, Presidential Adviser for Human Rights
Mr. Ahmed Soboh, Assistant to the Minister of Planning and International Cooperation (MOPIC)
Ms. Samia Bamia, Director, United Nations and International Organizations, Ministry of Planning and International Cooperation

2. Meeting with members of the Palestinian Legislative Council

Mr. Ahmed Qurai, Chairman
Mr. Qadurah Faris, Head of the Oversight and Human Rights Committee
Mr. Ghasi Hanania, Deputy Speaker
Mr. Jamal Al Showbaki, Member
Mr. Suleyman Abu Snaina, Member
Mr. Abdul Jawad Saleh, Member
Mr. Azmi Shouaibi, Member

3. Meeting with members of the Palestinian Independent Commission for Citizen's Rights

Dr. Hayder Abed-Elshafi, Commissioner General
Dr. Said Zeydani, General Director in Ramallah

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* The annex is reproduced in English only.

4. Meetings with other Palestinian officials, academics and representatives of civil society

Mr. Mustafa Abdel Nabi Al-Natshah, Mayor of Hebron
Dr. Fathi Arafat, Chairman of the Palestinian Red Crescent Society
Dr. Sari Nusseibeh, President of Al-Quds University in Jerusalem
Dr. Ali Jirbawi, Head, Political Science Department, Birzeit University and Project Coordinator for Human Rights Issues, Education Department, UNRWA
Dr. Hanan Ashrawi, Member of the Palestinian Legislative Council and Secretary-General of Global Dialogue and Democracy ("Miftah")
Mr. Sulaiman Al Najjab, Member of the Executive Committee of PLO

In addition, the High Commissioner met with rallies of children in Gaza and in El Bireh (Ramallah), a delegation of expatriate volunteers in East Jerusalem at the UNDP office, as well as other Palestinian civilians (refugees, displaced persons, farmers, educators, doctors and schoolteachers).

5. Meeting with Palestinian NGOs at the office of the United Nations Coordinator in the Occupied Territories (UNSCO), Gaza (11 November 2000)

Democracy and Workers Rights
Centre for Ecoromic and Social Rights
Al Mizan Centre for Human Rights
Palestinian Centre for Human Rights
Palestinian Society for Human Rights
The Palestinian Association for Legal Sciences
Addameer
Gaza Centre for Rights and Law
Mashriqqyiat
Cultural and Free Thought Centre
Tamer Institute for Community Education
Red Crescent Society
Gaza Community Mental Health
National Rehabilitation Society for Handicapped
Women Affairs Technical Committee
General Union of Palestinian Women
Women Affairs Centre
Palestinian Hydrologist Group
Palestinian Bar Association
Union of Palestinian Medical Relief Committees

6. Meeting with Palestinian NGOs in East Jerusalem at the UNDP office (12 November 2000)

Rawdat-E-Zuher
St. John Eye Hospital
Jerusalem Centre for Economic and Social Rights
Gender Planning Development
Palestinian Counselling Centre
Union of Health Work Committees
Palestinian Prisoner Society
Makassed Society in Jerusalem
ECRC-PNGO
Jerusalem Centre for Women
Arab Thought Forum
Palestinian Society for the Protection of Human Rights and Environment (LAW)
Adameer Association
Land Research Centre
Palestinian Human Rights Monitoring Group
Palestinian Academic Society for the Study of International Affairs (PASSIA)
Palestinian Agriculture Relief (PARC)
Medical Relief Committees/Jerusalem
Al-Haq
Early Childhood Resource Centre

7. Meeting with Palestinian NGOs, El-Bireh, Ramallah (13 November 2000)

Birzeit Law Institute
Bisan Centre for Research and Development
Association of Women for Social Work
Women Union Centre
Union of Women Centres - Palestine
Palestinian Bar Association
Jerusalem Legal Aid Centre
Jerusalem Centre for Women
PNGO Network
Association of Palestinian Local Authorities
Women's Studies Centre
Women's Centre for Legal Aid and Counseling
Al-Haq
Law Society
Arab Thought Forum/Citizen Rights Centre
Defence for Children International/Palestinian Section
Palestinian Happy Child Centre – PHCC
Adameer

Guidance and Training Centre for the Child and Family
Palestinian Mother and Child Care Society
General Union of Disabled Palestinians
Palestinian Working Women Society
Freedoms Defence Centre
Democracy and Workers' Rights Centre
Resource Centre for Palestinian Residency and Refugee Rights (BADIL)
Treatment and Rehabilitation Centre for Victims of Torture
Mandela Institute for Political Prisoners

8. Meeting with representatives of the Muslim, Christian and Armenian communities, East Jerusalem (12 November 2000)

Mr. Ramzi Zananiri, Executive Director
Near East Christian Council Committee for Refugee Work, Jerusalem/West Bank

Mr. Harry Hagopian
Executive Director, Middle East Council of Churches
Convenor, Jerusalem Inter-Church Committee
Legal Consultant, London, United Kingdom

Fr. Raed Abusahlia
Chancellor of the Latin Patriarchate
Secretary of Patriarch Michel Sabbah

Bishop Aris Shirvanjan
Director for Ecumenical and Foreign Relations of
the Armenian Patriarchate, Jerusalem

Dr. Mustafa Abu Sway
Director
Islamic Research Centre
Al-Quds University
Jerusalem

Sheikh Ikrama Said Sabri
General Mufti of Jerusalem and Palestinian territories
Preacher of Al-Aqsa Mosque

Sheikh Yaakoub Karrach
Director of Islam Fiqh Centre
and member of the Palestinian National Council

9. Locations visited by the High Commissioner in the occupied Palestinian territories

A. Gaza Strip

Erez checkpoint
Shifa Hospital
Netzarim junction
Al-Mazra'a school in Deir El-Balah, opposite Kfar Darom settlement
Affected houses near the border fence in Rafah
Rafah Health Centre
Rafah preparatory girls school
Uprooted farms near Moraje settlement in Rafah

B. West Bank

East Jerusalem
Ramallah
El Bireh
Hebron with the Temporary International Presence in Hebron (TIPH)
Jalazon refugee camp
Jalazon preparatory boys school

10. Meeting with United Nations officials

Mr. Terje R. Larsen, United Nations Special Coordinator for the Middle East peace process and Personal Representative of the Secretary-General to the PLO and the PA
Mr. Peter Hansen, Commissioner General of UNRWA
Mr. Timothy Rothermel, UNDP, Special Representative of the Administrator

In addition, the High Commissioner met with representatives of the following United Nations bodies and agencies in Gaza:

Office for the Coordination of Humanitarian Affairs
International Monetary Fund
United Nations Children's Fund
United Nations Development Fund for Women
United Nations Development Programme
World Food Programme
World Health Organization

11. Meeting with staff of the Office of the High Commissioner for Human Rights in the occupied Palestinian territories (Gaza and the West Bank)

Mr. Amin Medani, Director, Chief Technical Adviser
Mr. Saber Nairab, Human Rights Officer (Gaza)
Mr. Ammar al Dwaik, Human Rights Officer (West Bank)
Ms. Wijdan Jaber, Administrative Assistant
Ms. Eman Fathi, Secretary
Mr. Fawzi Al Akra'a, Logistics Officer

B. Visit to Israel

H.E. Mr. Moshe Katzav, President of the State of Israel
The Hon. Aharon Barak, President of the Supreme Court
Mr. Yossi Beilin, Minister of Justice, together with the following guests at a lunch hosted by him:

Mr. Shlomo Gur, Director General, Ministry of Justice
Mrs. Edna Arbel, State Attorney
Mrs. Osnat Mandel, Acting Director, High Court of Justice Division, State Attorney's Office
Ms. Tamar Gaulan, Director, Foreign Relations and International Organizations, Ministry of Justice
Mr. Daniel Levy, Senior Advisor to the Minister of Justice
Mr. Amir Avramovitch, Media Advisor to the Minister of Justice
Ms. Rachel Harris, legal intern
Ms. Colette Avital, Member of the Knesset
Mrs. Zehava Gal'on, Member of the Knesset, Head of the Meretz parliamentary faction
Mrs. Pnina Herzog, President, International Counsel of Women
Prof. David Kretzmer, member of the United Nations Human Rights Committee
Prof. Mordechai Kremnitzer, Israel Democracy Institute
Prof. Ruth Gavison, Faculty of Law, Hebrew University
Dr. Daphna Sharfman, Chair, Political Science Department, Western Galilee College
Dr. Eddy Kaufman, Board Member, Human Rights Watch, Middle East
Mrs. Orna Rabinovitch Pundak, former Chairperson, Amnesty International, Israeli Section
Mr. Moshe Negbi, political commentator
Mr. David Peleg, former Permanent Representative, Permanent Mission of Israel to the United Nations at Geneva
Mr. Mordechai Yedid, Deputy Director General, International Organizations, Ministry of Foreign Affairs
Mr. Yaakov Paran, Director, Human Rights Department, Ministry of Foreign Affairs
Mr. Zeev Lurie, Deputy Director, Human Rights Department, Ministry of Foreign Affairs

Dr. Alon Leal, Director General of the Ministry for Foreign Affairs and other senior officials of the Ministry
Major General Eiland and senior officers of the Israeli Defense Forces (IDF)
General Ya'acov Or, IDF Coordinator for the Territories, and other IDF officials
Families from Gilo community
Ms. Naomi Chazan, Member of the Knesset

In addition, the High Commissioner met with representatives of civil society (academics and human rights defenders), Members of the Knesset and other Israeli officials, including the State Prosecutor.

Meeting with Israeli and Arab NGOs in Jerusalem (9 November 2000)

Btselem Israeli Information Centre for Human Rights in the Occupied Territories
HaMoKed Centre for the Defence of the Individual
Public Committee against Torture in Israel
Defence for Children International (Israel Section)
Ittijah Union of Arab Community Based Association
Physicians for Human Rights
Association for Civil Rights in Israel (ACRI)
Rabbis for Human Rights
Adalah Legal Centre for Arab Minority Rights in Israel
Mossawa Centre
Ms. Tamar Pelleg, human rights lawyer

Visit to the "Yad Vashem" Martyr's and Heroes' Memorial of the Holocaust

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